

DEC 09 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WON HO PARK,

Petitioner - Appellant,

v.

MICHAEL CHERTOFF, Director of  
Homeland Security,

Respondent - Appellee.

No. 07-55522

D.C. No. CV-06-05414-SVW

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Stephen V. Wilson, District Judge, Presiding

Submitted December 7, 2009\*\*  
Pasadena, California

Before: HALL, THOMPSON and SILVERMAN, Circuit Judges.

Won Ho Park appeals the district court's dismissal of his 28 U.S.C. § 2241 habeas petition seeking to preclude the Department of Homeland Security from executing its final order of removal. We have jurisdiction over this appeal

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

pursuant to 28 U.S.C. § 1291 and review the district court's dismissal de novo.

*Iasu v. Smith*, 511 F.3d 881, 884 (9th Cir. 2007).

Since Park's petition seeks to have the district court overturn a final order of removal, the district court properly dismissed it for lack of jurisdiction.

Jurisdiction lies exclusively in the Court of Appeals. And because the habeas petition was filed after May 11, 2005, the district court must dismiss and may not transfer the petition to the Court of Appeals. *Id.* at 886-89; *Morgan v. Gonzales*, 495 F.3d 1084, 1089-90 (9th Cir. 2007), *cert. denied*, 128 S.Ct. 1290 (2008). We lack jurisdiction to consider the merits of the claim. *Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004).

AFFIRMED.