

MAR 25 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ISTVAN KELE,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 04-73836

Agency No. A014-924-133

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Istvan Kele, a native and citizen of Hungary, petitions pro se for review of the Immigration and Customs Enforcement’s decision to reinstate his prior removal order. We dismiss the petition for review.

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

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

After Kele filed the instant petition for review, an immigration judge entered a removal order against him pursuant to a new Notice to Appear. Kele waived appeal of that order and was removed to Hungary. Kele's superseding removal order renders this petition for review moot.

We deny Kele's request in his February 23, 2005, letter to order the government to submit documents pertaining to his underlying deportation proceedings because this petition for review is not timely as to those proceedings. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

We deny Kele's January 1, 2010, motion for an expedited decision as moot.

PETITION FOR REVIEW DISMISSED.