

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 02 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

EMILIANO ARGUETA ALANIS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70370

Agency No. A092-183-416

MEMORANDUM\*

On Petition for Review of an Order of the  
Department of Homeland Security

Submitted March 25, 2010\*\*

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Emiliano Argueta Alanis, a native and citizen of Mexico, petitions for review of the Department of Homeland Security's ("DHS") summary removal order. We dismiss the petition for review.

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

Because the DHS cancelled Alanis' removal order on May 20, 2009, there is no longer a final order of removal for this court to review. *See generally Lopez-Ruiz v. Ashcroft*, 298 F.3d 886, 887 (9th Cir. 2002) (order). We therefore lack jurisdiction over this petition for review. *See* 8 U.S.C. § 1252(a)(1); *see also Alcala v. Holder*, 563 F.3d 1009, 1016 (9th Cir. 2009) (“[W]here there is no final order of removal, this court lacks jurisdiction even where a constitutional claim or question of law is raised.”).

**PETITION FOR REVIEW DISMISSED.**