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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>STELLA VELASCO; et al.,</p> <p>Plaintiffs - Appellants,</p> <p>v.</p> <p>THE UNITED STATES CITIZENSHIP &amp;<br/>IMMIGRATION SERVICES (CIS); et al.,</p> <p>Defendants - Appellees.</p> |
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No. 10-55261

D.C. No. 2:09-cv-01341-AHM-CT

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
A. Howard Matz, District Judge, Presiding

Submitted September 27, 2011\*\*

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

Stella Velasco and her family appeal the district court’s grant of summary judgment in favor of the United States Citizenship and Immigration Services (“USCIS”), which denied their applications for adjustment of status. We 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).

the district court's grant of summary judgment de novo. *Pan Pac. Retail Props. Inc. v. Gulf Ins. Co.*, 471 F.3d 961, 965 (9th Cir. 2006).

The district court lacked jurisdiction over this action. USCIS's denial of the Velascos' applications to adjust status is nonfinal, and the petitioners have not exhausted their administrative remedies. *See Cabaccang v. U.S. Citizenship & Immigration Servs.*, 627 F.3d 1313, 1316-18 (9th Cir. 2010). We therefore vacate the district court's order of December 21, 2009, and remand with instructions to dismiss the action for lack of jurisdiction.

**VACATED and REMANDED with instructions.**