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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANGREJ SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-73659

Agency No. A071-854-089

MEMORANDUM*

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

Submitted August 8, 2012**

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

Angrej Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his motion to reopen exclusion proceedings. We dismiss the petition for review as moot.

* 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 BIA dismissed Singh's appeal from the IJ's order denying his June 23, 2009, motion to reopen on the ground that the motion should have been filed with the BIA in the first instance. *See* 8 C.F.R. § 1003.2(a). We dismiss as moot Singh's petition challenging the procedural dismissal because, in a subsequent order,¹ the BIA addressed the merits of the same claims.

PETITION FOR REVIEW DISMISSED.

¹ Singh's petition for review of the later order was dismissed as untimely. *See Singh v. Holder*, No. 11-71269 (9th Cir. Mar. 12, 2012).