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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANCISCO JOSE VASQUEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-71773

Agency No. A028-713-669

MEMORANDUM\*

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

Submitted October 9, 2012\*\*

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Francisco Jose Vasquez, a native and citizen of Nicaragua, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order vacating an immigration judge's ("IJ") decision granting suspenson of deportation. We have jurisdiction under 8 U.S.C. § 1252. Reviewing de novo questions of law, *Mejia-*

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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).

*Hernandez v. Holder*, 633 F.3d 818, 822 (9th Cir. 2011), we grant the petition for review.

The IJ acted within her authority when she reopened proceedings to consider Vasquez's application for relief from deportation after she rescinded his lawful permanent residence status under 8 U.S.C. § 1256. *See* 8 C.F.R. § 1003.23(b)(1) (an IJ may at any time reopen or reconsider any case in which she made a decision, unless jurisdiction is vested with the BIA). It follows that the BIA erred in finding that on remand, the IJ was without jurisdiction to grant Vasquez suspension of deportation. *See Matter of Patel*, 16 I. & N. Dec. 600, 601 (BIA 1978). We therefore grant the petition for review with instructions to remand to the IJ so that she may conclude Vasquez's deportation proceedings.

**PETITION FOR REVIEW GRANTED; REMANDED.**