

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FEB 14 2013

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

CARLOS ANTONIO GUTIERREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73260

Agency No. A094-228-984

ORDER

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

On October 31, 2011, the Board of Immigration Appeals reopened and remanded the proceedings in this case to the immigration judge. Consequently, there is no final order of removal currently in effect and this court lacks jurisdiction over the petition for review. *See* 8 U.S.C. § 1252(a)(1); *Lopez-Ruiz v. Ashcroft*, 298 F.3d 886, 887 (9th Cir. 2002) (order).

PETITION FOR REVIEW DISMISSED.