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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EPIGMENIO HERNANDEZ
HERNANDEZ and ANGELICA JANETH
ORTEGA DE HERNANDEZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72869

BIA Nos. A096-356-332
A096-356-333

MEMORANDUM*

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

Argued and Submitted June 22, 2011
Pasadena, California

Before: REINHARDT, W. FLETCHER and N.R. SMITH, Circuit Judges.

Epigmenio Hernandez Hernandez (Hernandez) and Angelica Janeth Ortega de Hernandez (Ortega), natives and citizens of Mexico, petition for review of the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Board of Immigration Appeals' dismissal of their appeal of an Immigration Judge's decision denying them cancellation of removal.

We express no opinion on the underlying cancellation of removal issue at this time because of an intervening development: Petitioners have obtained valid U-Visas issued by the United States Citizenship and Immigration Service. Because the BIA has not had the opportunity to evaluate the consequences of this significant intervening development, we remand this case on a limited basis for the BIA to address the effect of the approved U-Visas on Petitioners' removal order in the first instance. *See INS v. Ventura*, 537 U.S. 12, 16 (2002) (per curiam). The panel will retain jurisdiction over this case.

REMANDED for further proceedings consistent with this disposition.