

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 21 2013

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

HERRY KUSUMA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-70349

Agency No. A088-121-765

ORDER

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

On January 7, 2013, the Board of Immigration Appeals reopened and terminated proceedings in this case for Kusuma to pursue an application for adjustment of status. 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); *Alcala v. Holder*, 563 F.3d 1009, 1013 (9th Cir. 2009). Thus, we grant Kusuma's July 12, 2013, motion to withdraw his petition for review.

PETITION FOR REVIEW DISMISSED.