

SEP 12 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EJAZ RUPANI,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 05-77364

Agency No. A070-782-028

MEMORANDUM*

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

Submitted September 12, 2016**

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Ejaz Rupani, a native and citizen of Pakistan, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen deportation proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

* 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 failed to address Rupani's contentions that the agency had violated former 8 C.F.R § 242.1(c) by failing to explain the contents of his Order to Show Cause and Notice of Hearing, and that he had been prejudiced by the violation. *See Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir. 2005) (the agency may not ignore contentions raised by a party); *Matter of Hernandez*, 21 I. & N. Dec. 224 (BIA 1996). Accordingly, we remand for the BIA to consider these specific contentions in the first instance. *See Coronado v. Holder*, 759 F.3d 977, 987 (9th Cir. 2014).

In light of this disposition, we do not reach Rupani's remaining contentions.

This panel will retain jurisdiction over any further proceedings in this matter.

Each party shall bear its own costs for this petition for review.

PETITION FOR REVIEW GRANTED; REMANDED.