

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HUGO RENE SALVATIERRA-CERMENO,
Petitioner,

v.

ALBERTO GONZALES, Attorney
General,*

Respondent.

No. 03-72059

Agency No.
A70-644-226

ORDER

Filed April 15, 2005

Before: Harry Pregerson, Alex Kozinski and
Michael Daly Hawkins, Circuit Judges.

ORDER

We vacated submission in this case pending the resolution of *Molina-Camacho v. Ashcroft*, 393 F.3d 937 (9th Cir. 2004), and now order this case submitted.

The BIA had no authority to issue an order removing Salvatierra-Cermeno to Guatemala. *See Molina-Camacho*, 393 F.3d at 941. However, because 8 U.S.C. § 1252 gives us jurisdiction to review only final orders of removal, we lack jurisdiction to consider Salvatierra-Cermeno's petition for review. We therefore treat the petition as a petition for writ of habeas corpus under 28 U.S.C. § 2241 and transfer it to the United States District Court for the District of Arizona, Phoenix Division. *See Molina-Camacho*, 393 F.3d at 942; 28

*Alberto Gonzales is substituted for his predecessor, John Ashcroft, as Attorney General. *See Fed. R. App. P. 43(c)(2)*.

U.S.C. § 1631. Upon transfer, Salvatierra-Cermeno may make any necessary amendments to perfect the form of the petition.

TRANSFERRED.

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