

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

ROMEO UMAGAT TIMBREZA,  
*Petitioner,*

v.

ALBERTO R. GONZALES,\* Attorney  
General,  
*Respondent.*

No. 02-72507

Agency No.  
A45-228-894

ORDER

Filed June 7, 2005

Before: William C. Canby, Jr., Kim McLane Wardlaw, and  
Ronald M. Gould, Circuit Judges.

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**ORDER**

Petitioner's unopposed Motion for Voluntary Dismissal of his Petition for Review is hereby GRANTED.

We previously denied the Petition for Review. *Timbreza v. Ashcroft*, 98 Fed. Appx. 611, 2004 WL 1041987 (9th Cir. 2004) (unpublished disposition) (filed May 5, 2004). However, before that decision was rendered, and without notice being given to this court by the parties in their briefing or otherwise, on March 3, 2003, the Board of Immigration Appeals reopened petitioner's removal proceedings. The result was that this court was not reviewing a final order of removal, contrary to the suggestion in the briefs. We have no jurisdiction to review this case without a final order of removal. *See*,

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\*Alberto R. Gonzales is substituted for his predecessor, John Ashcroft, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*e.g.*, *Lopez-Ruiz v. Ashcroft*, 298 F.3d 886, 887 (9th Cir. 2002). The parties are instructed in other like circumstances to give notice to this court. Our May 5, 2004 disposition, which rested on the false premise that we were reviewing a final order of removal, is hereby VACATED.

IT IS SO ORDERED.



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