File: (b) (6) Date: JUL 28 2010

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Nita Dobroshi, Esquire

ON BEHALF OF DHS: Anne E. Gannon
Senior Attorney

CHARGE:

Notice: Sec. 237(a)(2)(E)(i), I&N Act [8 U.S.C. § 1227(a)(2)(E)(i)] - Convicted of crime of domestic violence, stalking, or child abuse, neglect, or abandonment

Lodged: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] - Convicted of aggravated felony

APPLICATION: Dismissal of aggravated felony charge; termination

This case was previously before us on October 30, 2006, when we dismissed the respondent's appeal from the Immigration Judge's decision dated July 27, 2006. In that decision, the Immigration Judge, after reviewing the record of conviction, determined that the respondent's offense fell within the aggravated felony definition of section 101(a)(43)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(A), for sexual abuse of a minor. The respondent subsequently filed a petition for review with the United States Court of Appeals for the (b) (6) which remanded the matter to us for further proceedings. (b) (6) *v. Mukasey*, (b) (6) However, since the case was remanded to us from the (b) (6) the respondent evidently passed away (The Department of Homeland Security's Notification to the Board of the Respondent's Death; Respondent's Motion to Terminate Removal Proceedings). The respondent has filed an unopposed motion for termination of the removal proceedings on this basis, which we will grant. Accordingly, the following order will be entered:

ORDER: The respondent's motion to terminate the removal proceedings is granted, and the removal proceedings are terminated.

FOR THE BOARD