U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

In the Matter of:
(b) (6)

RESPONDENT

Case No.: (b) (6)

Docket: ELOY INS DETENTION CENTER

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

On Nov 15, 2005, at 9:00 A.M., pursuant to proper notice, the above entitled matter was scheduled for a hearing before an Immigration Judge for the purpose of hearing the merits relative to the respondent's request for relief from removal. However,

( ) the respondent was not present.

(✓) the respondent's representative was present by telephone, however, the respondent was not present.

( ) neither the respondent nor the respondent's representative was present.

Therefore, in the absence of any showing of good cause for the respondent's failure to appear at the hearing concerning the request for relief, I find that the respondent has abandoned any and all claim(s) for relief from removal.

Wherefore, the issue of removability having been resolved, it is HEREBY ORDERED for the reasons set forth in the Immigration and Naturalization Service charging document that the respondent be removed from the United States to MEXICO.

JEFFREY ZLATOW
Immigration Judge
Date: Nov 15, 2005

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] Alien's ATT/REP [P] ~~INS~~ ICE
DATE: 11/15/05 BY: COURT STAFF
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

Form EOIR 36 - 7T (FTA)
SAC

U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

JUL 0 6 2005

File: (b) (6) Date:

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: James Todd Bennett, Esquire

ON BEHALF OF DHS: Kim M. Kucik
Assistant District Counsel

APPLICATION: Termination of proceedings

ORDER:

PER CURIAM. This case was last before the Board on July 31, 2001, when we sustained the Department of Homeland Security's appeal from the Immigration Judge's decision terminating the respondent's removal proceedings. In our decision, we ordered the respondent's removal from the United States to Mexico. The matter is now before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6). In its decision in this case, the court held that the Board does not have the authority to issue a removal order in the first instance after reversing an Immigration Judge's decision terminating removal proceedings. (b) (6) *v. Ashcroft*, (b) (6) (b) (6) The (b) (6) remanded the case to the district court for further proceedings. On (b) (6) the United States District Court for the Northern District of (b) (6) entered an order remanding the case back to the agency.

Pursuant to the (b) (6) decision in this case, the decision of the Board dated July 31, 2001, is vacated insofar as it enters an order of removal, and the case is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

FOR THE BOARD

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