

Foreman, Michael

From: CMECF_No_Reply@ca3.uscourts.gov
Sent: Friday, October 13, 2017 1:59 PM
To: mlf25@psu.edu
Subject: 17-1916 Carlton Baptiste v. Attorney General United States "Immigration Court Order Filed"

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Third Circuit Court of Appeals**Notice of Docket Activity**

The following transaction was filed on 10/13/2017

Case Name: Carlton Baptiste v. Attorney General United States
Case Number: 17-1916
Document(s): Document(s)

Docket Text:

ORDER (AMBRO, RESTREPO and NYGAARD, Circuit Judges) granting Motion to dismiss petition for lack of jurisdiction filed by Respondent Attorney General United States of America, filed. Panel No.: BLD-007. Ambro, Authoring Judge. (SB)

Notice will be electronically mailed to:

Yedidya Cohen
Michael L. Foreman
Anthony C. Payne

The following document(s) are associated with this transaction:

Document Description: Immigration Court Order Filed

Original Filename: order_court_BLD_007_101317.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1107201326 [Date=10/13/2017] [FileNumber=4292062-0]

[65c42aa09b47a863d8fe4ff77cfa540367fd951a928e03bf536ba4b0c46edda9ad0ca4131fe30bfae3cdb8b223cf4c967c15aaecd7b6700c51db1e8dac21ae4c]]

Document Description: Notice of Judgment

Original Filename: /opt/ACECF/live/forms/beckers_171916_4292062_NoticeofJudgment-

CourtOrder_205.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1107201326 [Date=10/13/2017] [FileNumber=4292062-1]

[66709772daa2de86135cfb9a9bace8ebbb2797303a15dee148c34326dbdc7fad6eabae71c33984f6e2888b4067ae8d999b81c95668dcf0572429312f535ed67a]]

Recipients:

- Yedidya Cohen
- Michael L. Foreman
- Anthony C. Payne

BLD-007

October 5, 2017

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 17-1916

CARLTON BAPTISTE, AKA Carlton Baptist, Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

(Agency No. A030-338-600)

Present: AMBRO, RESTREPO and NYGAARD, Circuit Judges

Submitted are:

- (1) Respondent's motion to dismiss the petition for lack of jurisdiction;
- (2) Petitioner's response to Respondent's motion to dismiss for lack of jurisdiction and/or motion to stay proceedings; and
- (3) Respondent's reply

in the above-captioned case.

Respectfully,

Clerk

MMW/AS/kr

ORDER

Respondent's motion to dismiss the petition for review for lack of jurisdiction is granted. We have jurisdiction to review final orders of removal, see 8 U.S.C. § 1252(a); Khouzam v. Att'y Gen., 549 F.3d 235, 247 (3d Cir. 2008), but that jurisdiction does not extend to the denial of a request for bond redetermination, which is not a final order of removal. See 8 C.F.R. § 1003.19(d); Gonzalez v. O'Connell, 355 F.3d 1010, 1016 (7th Cir. 2004). We lack jurisdiction to review the Board of Immigration Appeals' March 23, 2017, order because it concerns a decision regarding Petitioner's detention, not a final order of

(continued)

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CARLTON BAPTISTE, AKA Carlton Baptist, Petitioner v. AG USA
C.A. No. 17-1916

ORDER

removal. Our dismissal is without prejudice to Petitioner's ability to seek relief by filing a habeas corpus petition pursuant to 28 U.S.C. § 2241, see Diop v. ICE/Homeland Sec., 656 F.3d 221, 226 (3d Cir. 2011), or to seek such any other relief as may be available in the appropriate District Court. We express no opinion on whether any such relief might be warranted. Petitioner's motion to stay the proceedings pending the Supreme Court's decision in Jennings v. Rodriguez, 136 S. Ct. 2489 (2016), is denied. Respondent's motion to toll the time for filing of the administrative record is dismissed as moot.

By the Court,

s/ Thomas L. Ambro,
Circuit Judge

Dated: October 13, 2017
sb/cc: All Counsel of Record



A True Copy

Marcia M. Waldron

Marcia M. Waldron, Clerk
Certified order issued in lieu of mandate.

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE

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October 13, 2017

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RE: Carlton Baptiste v. Attorney General United States
Case Number: 17-1916
Agency Case Number: A030-338-600

ENTRY OF JUDGMENT

Today, **October 13, 2017** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Marcia M. Waldron

Marcia M. Waldron,
Clerk

By: s/Stephanie
Case Manager
267-299-4926

cc: Michael L. Foreman, Esq.