

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11320

Non-Argument Calendar

REYNA ELISETH VALENZUELA DE LA CRUZ,
JEREMY DANIEL BAUTISTA VALENZUELA,

Petitioners,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals
Agency No. A209-134-060

Before ROSENBAUM, LUCK, and BRASHER, Circuit Judges.

PER CURIAM:

In April 2023, Reyna Valenzuela de la Cruz and her son, Jeremy Bautista Valenzuela (collectively, “Petitioners”), filed a petition for review of the Board of Immigration Appeals’ (“BIA”) 2023 order affirming the denial of their applications for asylum, withholding of removal, and relief under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. In September 2023, Petitioners filed an unopposed motion to dismiss their petition for lack of jurisdiction.

Petitioners assert that, on September 1, 2023, the BIA granted a motion to reopen and administratively close their removal proceedings that removed from the proceedings the finality necessary for us to exercise jurisdiction over the instant petition for review.

Although Petitioners’ removal orders were final at the time they filed the petition for review, the BIA’s decision to reopen and administratively close Petitioners’ removal proceedings rendered their removal orders non-final, thereby depriving us of jurisdiction to consider their petition for review. *See* 8 U.S.C. § 1252(a)(1), (b)(9) & (d); *cf. Jaggernaut v. U.S. Att’y Gen.*, 432 F.3d 1346, 1351-52 (11th Cir. 2005) (concluding that we had jurisdiction after the BIA granted reconsideration but explicitly upheld the earlier removal order).

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Accordingly, Petitioners' motion to dismiss is GRANTED and this appeal is DISMISSED for lack of jurisdiction.