

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-11326
Non-Argument Calendar

IVAN FABREGAS-COLINA,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals
Agency No. A240-224-012

Before JILL PRYOR, GRANT, and ABUDU, Circuit Judges.

PER CURIAM:

Ivan Fabregas-Colina, a native and citizen of Cuba, petitions for review of the Board of Immigration Appeals's ("BIA") March

31, 2026 order affirming the immigration judge’s (“IJ”) order granting the government’s motion to dismiss the removal proceedings, pursuant to 8 C.F.R. § 1239.2(c).

The government moves to dismiss the petition for lack of jurisdiction, asserting that the March 31 order is not a final order of removal. Fabregas-Colina responds that we have jurisdiction because the March 31 order was the final agency action and his petition raises several legal questions that we can review. In support of his assertion that we have jurisdiction over his legal claims, he cites our decision in *Hernandez Alvarez v. Warden*, 175 F.4th 1262 (11th Cir. 2026), a habeas corpus case in which we addressed issues related to the application of the mandatory and discretionary detention provisions of the Immigration and Nationality Act.

In immigration cases, we generally have jurisdiction only to review final orders of removal. See 8 U.S.C. § 1252(a)(1); *Jaggernaut v. U.S. Att’y Gen.*, 432 F.3d 1346, 1350 (11th Cir. 2005). After commencement of removal proceedings, the government may move the IJ to dismiss the proceedings under any ground enumerated in 8 C.F.R. § 239.2(a). 8 C.F.R. §§ 239.2(a), 239.2(c), 1239.2(c).

We lack jurisdiction over Fabregas-Colina’s petition because he is not challenging a final order of removal, which is a threshold requirement to invoke our review. 8 U.S.C. § 1252(a)(1); *Jaggernaut*, 432 F.3d at 1350. The March 31 BIA order affirmed the IJ’s dismissal of removal proceedings, so that order is not a final order of removal. Additionally, nothing in the record shows that the government has obtained a final order of removal against Fabregas-

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Colina. Furthermore, Fabregas-Colina's reliance on *Hernandez Alvarez* is misplaced because our lack of jurisdiction is unrelated to the substance of the claims he intends to raise. See 8 U.S.C. § 1252(a)(1); *Jaggernaut*, 432 F.3d at 1350; *Hernandez Alvarez*, 175 F.4th at 1261-62.

Accordingly, we GRANT the government's motion and DISMISS the petition for lack of jurisdiction.