



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: PAULINO-CARCAMO, MARIO O... A 029-952-088

Date of this notice: 6/14/2018

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Grant, Edward R.

Userteam: Docket

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AD

Falls Church, Virginia 22041

File: A029 952 088 – Pearsall, TX

Date: **JUN 14 2018**

In re: Mario Orlando PAULINO-CARCAMO a.k.a. Mario Orlando Paulino

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Javier N. Maldonado, Esquire

APPLICATION: Termination of proceedings; reconsideration

This case is before the Board pursuant to an April 25, 2018, order of the United States Court of Appeals for the Fifth Circuit, which granted the Government's motion to remand for reconsideration in light of the Supreme Court's recent decision in *Sessions v. Dimaya*, 138 S.Ct 1204 (2018). In *Dimaya*, the Supreme Court held that the federal criminal code's definition of a crime of violence, as incorporated into the definition of an aggravated felony at section 101(a)(43)(F) of the Immigration and Nationality Act, 8 U.S.C. § 1101(A)(43)(F), was unconstitutionally vague. The sole charge of removability against the respondent is that he was convicted of an aggravated felony crime of violence under section 237(a)(2)(A)(iii) of the Act, U.S.C. § 1227(a)(2)(A)(iii), as defined in section 101(a)(43)(F) of the Act. Exh. 1. As the sole charge of removability cannot be sustained in light of the Supreme Court's decision in *Dimaya*, the removal proceedings against the respondent will be terminated.

The respondent had a pending motion to reconsider with the Board when the Fifth Circuit issued its remand order in this case. In light of our disposition of the case pursuant to the Fifth Circuit's order, the motion will be denied as moot.

Accordingly, the following orders will be entered:

ORDER: The removal proceedings against the respondent are hereby terminated.

FURTHER ORDER: The respondent's motion to reconsider is denied as moot.



FOR THE BOARD