



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

**DENNIS, AUSTIN
245904/A094-710-227
SHERBURNE COUNTY JAIL
13880 BUSINESS CENTER DR NW
ELK RIVER, MN 55330**

**DHS/ICE Office of Chief Counsel –BLM
(MSP)
1 Federal Drive, Suite 1800
Ft. Snelling , MN 55111**

Name: DENNIS, AUSTIN

A 094-710-227

Date of this notice: 1/10/2019

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Neal, David L

Userteam: Docket

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Falls Church, Virginia 22041

File: A094-710-227 – Fort Snelling, MN

Date: JAN 10 2019

In re: Austin DENNIS

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Kenneth R. Knapp
Assistant Chief Counsel

ORDER:

This case is before us concerning an Immigration Judge's August 15, 2018, removal order. The Department of Homeland Security (DHS) has filed a "Motion To Dismiss Without Prejudice." The respondent, a native and citizen of the Ivory Coast (Cote d'Ivoire), had been found subject to removal as an aggravated felon, and as a person convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct. This was based on January 12, 2015, Minnesota convictions for aggravated robbery and theft. The DHS acknowledges that the criminal convictions are on direct appeal. *See Matter of J.M. Acosta*, 27 I&N Dec. 420, 432 (BIA 2018) (a conviction does not attain a sufficient degree of finality for immigration purposes until the right to direct appellate review on the merits of the conviction has been exhausted or waived). Accordingly, the DHS' "Motion To Dismiss Without Prejudice" is granted, and these proceedings are terminated without prejudice.



FOR THE BOARD