



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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**DHS/ICE Office of Chief Counsel - SDC
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Lumpkin, GA 31815**

Name: PIETRANTONIO, MICHAEL

A 078-590-230

Date of this notice: 10/21/2016

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:
Liebowitz, Ellen C

Userteam: Docket

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Name: PIETRANTONIO, MICHAEL

A 078-590-230

Date of this notice: 10/21/2016

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). 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 the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Liebowitz, Ellen C

Userteam:

Falls Church, Virginia 22041

File: A078 590 230 – Lumpkin, GA

Date: **OCT 21 2016**

In re: MICHAEL PIETRANTONIO

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Celso Perez, Esquire

ON BEHALF OF DHS: Kelly Johnson
Assistant Chief Counsel

APPLICATION: Administrative closure

The Department of Homeland Security (“DHS”) has filed an interlocutory appeal from the Immigration Judge’s July 14, 2016, decision administratively closing the respondent’s removal proceedings. The proceedings were administratively closed to allow for adjudication of the Petition for Alien Relative (Form I-130) filed on behalf of the respondent. To avoid piecemeal review of the multiple queries that may arise during the course of removal proceedings, ordinarily the Board does not entertain interlocutory appeals. *See Matter of M-D-*, 24 I&N Dec. 138, 139 (BIA 2007), and cases cited therein. We have on occasion accepted interlocutory appeals to address significant jurisdictional questions about the administration of the immigration laws, or to correct recurring problems in the handling of cases by Immigration Judges. *See, e.g., Matter of Guevara*, 20 I&N Dec. 238 (BIA 1990, 1991); *Matter of Dobere*, 20 I&N Dec. 188 (BIA 1990). The issue of whether the Immigration Judge properly administratively closed the respondent’s removal proceedings does not present a significant jurisdictional question about the administration of the immigration laws. Nor does it involve a recurring problem in Immigration Judges’ handling of cases. Thus, the question raised in this interlocutory appeal does not fall within the limited ambit of cases where we deem it appropriate to exercise our jurisdiction.

IT IS THEREFORE ORDERED that the record be returned to the Immigration Court without further action.



FOR THE BOARD

IMMIGRATION COURT
146 CCA ROAD, PO BOX 248
LUMPKIN, GA 31815

In the Matter of

PIETRANTONIO, MICHAEL
Respondent

Case No.: A078-590-230

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 7/14/16.
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

- ☐ The respondent was ordered removed from the United States to
or in the alternative to .
- ☐ Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to .
- ☐ Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to .

Respondent's application for:

- ☐ Asylum was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Withholding of removal was ☐ granted ☐ denied ☐ withdrawn.
- ☐ A Waiver under Section _____ was ☐ granted ☐ denied ☐ withdrawn.
- ☐ Cancellation of removal under section 240A(a) was ☐ granted ☐ denied
☐ withdrawn.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was ☐ granted ☐ denied
☐ withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
- ☐ Cancellation under section 240A(b)(2) was ☐ granted ☐ denied
☐ withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
- ☐ Adjustment of Status under Section _____ was ☐ granted ☐ denied
☐ withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
- ☐ Respondent's application of ☐ withholding of removal ☐ deferral of
removal under Article III of the Convention Against Torture was
☐ granted ☐ denied ☐ withdrawn.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper
notice.
- ☐ Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.

☒ Other: Administrative CLOSED. I-130 at USCIS.

Date: July 14, 2016

DAN TRIMBLE
Immigration Judge

Appeal: Waived/Reserved

Appeal Due By:

15 August 2016