

UNITED STATES COURT OF APPEALS November 12, 2008
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MICHAEL ALEXIS
RODRIGUEZ-ORTEGA,

Petitioner,

v.

No. 08-9515

MICHAEL B. MUKASEY, United States
Attorney General,

Respondent.

ORDER

Before **KELLY, MURPHY, and McCONNELL**, Circuit Judges.

Pending before the court is “Respondent’s Motion for Remand and Request for a Stay of the Briefing Schedule.” Without conceding any error in the final decision that was reached, the U.S. Attorney General nevertheless asserts that the Board of Immigration Appeals did not fully adjudicate all the questions presented to the Board by the petitioner, Michael Alexis Rodriguez-Ortega. In particular, the government asserts the Board did not address the question of whether the petitioner is entitled to some form of derivative immigration status based on asylum having been granted to the petitioner’s alleged same-sex partner. The government asks that the case be remanded to the Board

for consideration of this issue. The petitioner has no objection to the remand.

The motion is granted. The court remands the case to the Board of Immigration Appeals to reconsider its decision based on all the arguments properly before that tribunal. This review proceeding before the U.S. Court of Appeals for the Tenth Circuit is dismissed. Petitioner may, if he so elects, timely initiate a separate and new review proceeding in this court following the issuance of a final decision by the Board on remand.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by:
Douglas E. Cressler
Chief Deputy Clerk