

UNITED STATES COURT OF APPEALS **October 13, 2011**

**FOR THE TENTH CIRCUIT** **Elisabeth A. Shumaker**  
**Clerk of Court**

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In re:

JUAN IGNACIO  
AGUILAR-MARQUEZ,

Movant.

No. 11-6252

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**ORDER**

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Before **LUCERO, O'BRIEN**, and **HOLMES**, Circuit Judges.

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Juan Ignacio Aguilar-Marquez, proceeding pro se, has filed a motion labeled as a motion for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus application. Because Mr. Aguilar-Marquez has never filed a § 2254 application in federal district court, he does not need our authorization to do so. Our limited determination that authorization is not required for Mr. Aguilar-Marquez to file a § 2254 application in district court does not imply any opinion on the merits or timeliness of such an application.

It is unclear, however, whether Mr. Aguilar-Marquez actually seeks § 2254 relief. He asserts that he is being held unlawfully because he “is being served with a Notice of Intent to Issue a Final Administrative Order to deport him back to Mexico” and it would be a hardship if he were deport because he “has been a

Citizen of the United States for 16 years, and has 2 grown children that are US Citizens.” Mot. for Authorization at 6. To the extent Mr. Aguilar-Marquez seeks relief from deportation proceedings, he must avail himself of appropriate administrative agency remedies before seeking relief in federal court.

Mr. Aguilar-Marquez’s motion for authorization is DISMISSED as unnecessary. This case is now closed.

Judge O’Brien concurs in the result.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk