



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

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Falls Church, Virginia 22041

Hutchins, Thomas, Esquire
6121 Lincolnia Road, Suite 400-C
Alexandria, VA 22312-0000

Office of the District Counsel/NE
P.O. Box 1085
Newark, NJ 07101-1085

Name: MARTE, GERMAN DEJESUS

A43-689-851

Date of this notice: 07/05/2002

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

Sincerely,

Lori Scialabba
Acting Chairman

Enclosure

Panel Members:
SCHMIDT, PAUL W.

RECEIVED
BY 7-8-02

Falls Church, Virginia 22041

File: A43 689 851 - Newark

Date:

In re: GERMAN DEJESUS MARTE

JUL - 5 2002

IN BOND PROCEEDINGS

APPEAL

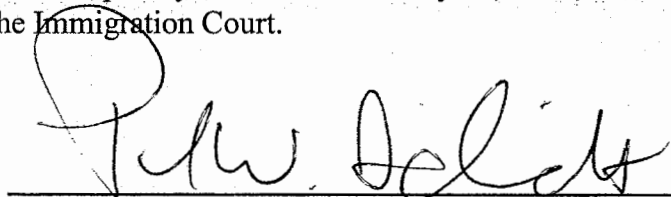
ON BEHALF OF RESPONDENT: Thomas Hutchins, Esquire

ON BEHALF OF SERVICE: Anibal D. Martinez
Assistant District Counsel

APPLICATION: Change in custody status

ORDER:

PER CURIAM. The Immigration and Naturalization Service has appealed the Immigration Judge's January 17, 2002, bond order finding the respondent not subject to mandatory detention under section 236(c)(1) of the Immigration and Nationality Act and setting bond at \$12,000. Subsequently, in a bond order dated March 14, 2002, the Immigration Judge vacated his January 17, 2002, bond order and ordered that the respondent be released from custody on his own recognizance based upon the Immigration Judge's decision terminating removal proceedings against the respondent. While the Service has appealed from the Immigration Judge's termination of the respondent's removal proceedings, the Service has not properly appealed from the Immigration Judge's March 14, 2002, bond order. Accordingly, the instant bond appeal is dismissed as moot pursuant to this Board's decision in *Matter of Valles*, 21 I&N Dec. 769 (BIA 1997), because the Immigration Judge has subsequently vacated his January 17, 2002, bond order. The instant bond record is returned to the Immigration Court.



FOR THE BOARD

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BY 83 DATE 7-8-02