

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

January 11, 2022

Christopher M. Wolpert
Clerk of Court

NIXON HUTABARAT; MELLY
BAKARA,

Petitioners,

v.

MERRICK B. GARLAND, United States
Attorney General,

Respondent.

No. 21-9561
(Petition for Review)

ORDER AND JUDGMENT*

Before **MATHESON, BACHARACH, and PHILLIPS**, Circuit Judges.

This matter is before the court on the Government’s *Unopposed Motion to Remand to the Board of Immigration Appeals and to Stay the Briefing Schedule*, by which it requests that: (1) this court remand to the Board of Immigration Appeals (“BIA”) for further consideration of the denial of Petitioners’ motion seeking to reopen proceedings based on changed country conditions in order to apply for asylum; and (2) the briefing schedule in this petition for review be stayed pending the disposition of the motion.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Upon consideration, the motion is granted in part. This matter is remanded to the BIA for further consideration of the denial of Petitioners' motion seeking to reopen proceedings based on changed country conditions in order to apply for asylum.

The motion is denied in remaining part as moot, to the extent that the Government seeks to stay the briefing schedule in this petition for review pending the disposition of this motion.

This petition for review is dismissed. Each party shall bear its own attorney fees, costs, and expenses.

The mandate shall issue forthwith.

Entered for the Court

Per Curiam