

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 1, 2026

Christopher M. Wolpert
Clerk of Court

SATNAM SATNAM,

Petitioner,

v.

TODD BLANCHE,* United States
Attorney General,

Respondent.

No. 25-9573
(Petition for Review)

ORDER AND JUDGMENT*

Before **HARTZ, MATHESON, and ROSSMAN**, Circuit Judges.

Petitioner Satnam Satnam seeks review of an order by the Board of Immigration Appeals (BIA) vacating and remanding a custody determination by an immigration judge (IJ). Because the BIA did not issue a final order of removal, we must dismiss Petitioner's appeal for lack of subject-matter jurisdiction.

* On August 8, 2026, Todd Blanche was confirmed as Attorney General of the United States. Consequently, he has been substituted for Pamela J. Bondi as Respondent, under Fed. R. App. P. 43(c)(2).

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

Petitioner entered the United States illegally on or about July 12, 2024. The Department of Homeland Security (DHS) initiated removal proceedings and issued a Notice of Custody Determination ordering that Petitioner be taken into DHS custody. Petitioner requested that an IJ review that decision. After conducting a hearing and reviewing information submitted in support of Petitioner, the IJ released Petitioner under a bond of \$10,000. In her bond memorandum the IJ acknowledged that Petitioner “may pose a flight risk” but noted that a “close family friend” of Petitioner had stated in a letter of support that he would be willing and able to sponsor Petitioner at his home in New York. A.R. at 10.

DHS appealed the IJ’s decision to the BIA. Petitioner did not respond to that appeal. The BIA determined that the IJ’s decision “d[id] not contain sufficient factual findings or legal analysis to allow for meaningful appellate review.” A.R. at 3. For example, the IJ “relie[d] on unnamed conditions that may be placed by DHS to ‘mitigate’ [Petitioner’s] flight risk and justify the bond.” *Id.* The BIA therefore vacated the IJ’s decision with instructions that the IJ “conduct further fact findings” and “meaningfully address what specific conditions [Petitioner] has established that alleviate the conceded flight risk posed.” *Id.*

Petitioner now asks that we review the BIA’s order reversing and remanding the IJ’s custody determination. He says that the BIA’s decision “cannot be reconciled with” § 236(a) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1226(a)), “basic principles of administrative law, or the Fifth Amendment’s Due Process Clause.” Pet’r Br. at 6.

We lack jurisdiction to consider Petitioner’s arguments. Congress vested the courts of appeal with limited jurisdiction over immigration matters. Under the INA, we may review only a “final order of removal,” 8 U.S.C. § 1252(a)(1), statutorily defined as an order “concluding that the alien is deportable or ordering deportation.” 8 U.S.C. § 1101(a)(47)(A); *see Hamilton v. Gonzalez*, 485 F.3d 564, 565–66 (10th Cir. 2007); *id.* at 565 n.2 (noting that the terms “order of removal” and “order of deportation” are synonymous). “We construe § 1252(a)(1) narrowly, and have consistently found we lack jurisdiction to review immigration decisions that fall short of a final removal order.” *Id.* at 566. Petitioner concedes that the BIA “did not issue a final order of removal, did not rule on Petitioner’s removability, and remanded the case solely for further factual and legal consideration related to custody and bond.” Pet’r Br. at 5.

Even so, Petitioner presents three bases for jurisdiction. First, he asserts that the BIA’s order “represents the consummation of the agency’s decision making process and determines rights or obligations,” Pet’r Resp. to Mot. to Dismiss at 6,¹ as required to constitute a final agency action under *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997). But although *Bennett* sets forth the standard for determining whether an action is final under the Administrative Procedure Act (APA), *see* 5 U.S.C. § 704, the APA itself does not provide “an independent grant of jurisdiction”; rather, “a party seeking APA review in federal court must identify a jurisdictional grant from

¹ Petitioner’s Opposition to the Respondent’s Motion to Dismiss does not contain page numbers. We refer to the PDF pagination numbers in Adobe Acrobat.

either the enabling statute or one of the general jurisdiction provisions under Title 28 of the United States Code.” *Hamilton*, 485 F.3d at 568–69 (internal quotation marks omitted). Petitioner has not identified a jurisdictional grant.

Petitioner also argues that a separate provision of the INA, 8 U.S.C. § 1252(a)(2)(D), “independently restores jurisdiction over constitutional claims and questions of law regardless of any limitation in § 1252(a)(1).” Pet’r Resp. to Mot. to Dismiss at 5. We have considered and rejected this reading of § 1252(a)(2)(D). In *Hamilton*, after examining its plain language and legislative history, we concluded that § 1252(a)(2)(D) “did not confer an expanded grant of jurisdiction but merely confirmed our authority to review constitutional claims and questions of law, *but only after a final order of removal has been entered.*” 485 F.3d at 567 (emphasis added) (internal quotation marks omitted).

Finally, Petitioner points to cases such as *Zadvydas v. Davis*, 533 U.S. 678 (2018), which he says “demonstrate that federal courts retain broad authority to examine the legality of custody.” Pet’r Resp. to Mot. to Dismiss at 9. He contends that by declining jurisdiction here we would “preclude appellate review of every BIA custody decision nationwide, an outcome that would raise serious constitutional concerns under the Suspension Clause.” *Id.* But that is not so. Like the petitioners in *Zadvydas*, 533 U.S. at 684–85, Petitioner may be able to challenge this custody determination by filing a habeas petition in federal district court. *See Ferry v. Gonzales*, 457 F.3d 1117, 1131 (10th Cir. 2006) (district court retains “jurisdiction to

review habeas petitions challenging an alien's detention"). He would then be free to seek appellate review if his habeas petition is denied.

We **GRANT** Respondent's Motion to Dismiss for Lack of Jurisdiction. We **DENY** as moot Respondent's Motion to Stay Production of the Administrative Record.

Entered for the Court

Harris L Hartz
Circuit Judge