

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JAN 20 2000

PATRICK FISHER
Clerk

VICTOR HUGO LOPEZ-HERRERA,

Petitioner,

v.

IMMIGRATION &
NATURALIZATION SERVICE,

Respondent.

No. 00-9501
(Petition for Review)
(No. 99-N-2447)

ORDER AND JUDGMENT*

Before **BRORBY, KELLY, and BRISCOE**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist 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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Petitioner Victor Hugo Lopez-Herrera, a native of El Salvador, has filed an emergency motion for stay of deportation pending petition for review. He concedes that he was deported from the United States in March 1991 under a valid final order of deportation and reentered the United States illegally later the same year. He raises various arguments that the Immigration and Naturalization Service (INS) may not reinstate the 1991 order and remove him now without holding another hearing.

Petitioner does not suggest a basis for this court's jurisdiction and we find none. This court lacks jurisdiction to review INS's removal proceedings generally. See 8 U.S.C. § 1252(g); see also Reno v. American-Arab Anti-Discrimination Comm., 119 S. Ct. 936, 943 (1999) (holding that 8 U.S.C. § 1252(g) bars judicial review of removal proceedings under 28 U.S.C. § 2241). Further, this court is specifically barred from reviewing the agency's reinstatement of a prior deportation order. See Mendez-Tapia v. Sonchik, 998 F. Supp. 1105, 1107-09 (D. Ariz. 1998) (discussing 8 U.S.C. § 1231(a)(5)).

The motion for stay of deportation is denied and the petition for review is DISMISSED. The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM