

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 26, 2021

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

YUN QIU,

Petitioner,

v.

MERRICK B. GARLAND, United States
Attorney General,

Respondent.

No. 21-9508
(Petition for Review)

ORDER AND JUDGMENT*

Before **HARTZ, PHILLIPS**, and **EID**, Circuit Judges.

Yun Qiu, a Chinese citizen, petitions for review of her removal order. Before the agency, she moved to administratively close the removal proceedings against her, and an immigration judge denied the motion. The Board of Immigration Appeals (Board) affirmed the denial, relying on *Matter of Castro-Tum*, 27 I. & N. Dec. 271 (A.G. 2018). After the Board issued its decision, however, the Attorney General overruled *Castro-Tum*. See *Matter of Cruz-Valdez*, 28 I. & N. Dec. 326 (A.G. 2021).

* After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

We ordered the parties to file supplemental briefs addressing how *Cruz-Valdez* affects this matter.

The government has filed an unopposed motion to remand the proceedings to the Board and to suspend the supplemental-briefing schedule. We grant the petition for review, vacate the Board's order, and remand to the Board to reconsider its decision in light of *Cruz-Valdez*. We deny as moot the request to suspend the supplemental-briefing schedule.

Entered for the Court

Harris L Hartz
Circuit Judge