

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 17, 2022

Christopher M. Wolpert
Clerk of Court

MAURICE LAMAR BARCLAY,

Petitioner,

v.

MERRICK B. GARLAND, United States
Attorney General,

Respondent.

No. 21-9576
(Petition for Review)

ORDER AND JUDGMENT*

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

Maurice Lamar Barclay, proceeding pro se, filed a petition for review of the agency’s decision denying his application for cancellation of removal. The government filed a motion for remand (the “Motion”). Mr. Barclay filed a response in opposition, an amendment to his response, and a supplement to his response. Upon consideration, we grant the Motion, as modified by this order and judgment.

* 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 vacate the order filed by the Board of Immigration Appeals (the “BIA”) on September 10, 2021. We fully remand this matter to the BIA to consider the issue raised in the Motion. It may also consider any other issues it deems necessary and appropriate.

We grant Mr. Barclay’s motion for leave to proceed on appeal without prepayment of costs or fees, and we deny as moot his second motion to appoint counsel. We dismiss the petition for review. A copy of this order shall stand as and for the mandate of this court.

Entered for the Court

Nancy L. Moritz
Circuit Judge