

United States Court of Appeals For the First Circuit

No. 00-2130

JOHN BRIAN ATTWOOD,
Petitioner, Appellant,

v.

JOHN ASHCROFT, ET AL.,
Respondents, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Joseph L. Tauro, U.S. District Judge]

Before

Lynch, Circuit Judge,
n, Senior Circuit Judge,
rzer, Senior District Judge.*

, Attorney, Office of Immigration Litigation,
ates Department of Justice, with whom Davilililiudge

* Of the Northern District of California, sitting by
designation.

¹ Section 212(c) of the INA (as it existed before April 24, 1996, as codified at 8 U.S.C. § 1182(c) (1994)), "although explicitly directed at certain excludable aliens not yet admitted, had been read to give the Attorney General discretionary authority to waive deportation for aliens already within the United States who were deportable for having

³ Upon granting Attwood's petition, the district court remanded the case to the INS

moot. Rather, the INS and Attwood both have a continued stake in the outcome of this appeal -- the BIA explicitly relied on the district court's remand order in affirming the immigration judge, and a decision on appeal vacating that order would leave the INS free to pursue a remedy before the Board.

⁴ Because Attwood is entitled to consideration for § 212(c)

given such a hearing and awarded § 212(c) relief, our affirmance of the district court's order will conclude this matter in Attwood's favor.

Affirmed.