

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-2317

NANTHI BEGUM,
Petitioner

v.

JOHN ASHCROFT, Attorney General
of the United States
Respondent

On Petition for Review of a Final Order of the
Board of Immigration Appeals
(No. A73-162-793)

Submitted Under Third Circuit LAR 34.1(a)
July 1, 2004

Before: AMBRO, ALDISERT and STAPLETON, Circuit Judges

ORDER AMENDING OPINION

The petition for panel rehearing filed by Respondent in the above entitled case having been submitted to the judges who participated in the decision of this Court, the petition is granted for the limited purpose of vacating the Court's reinstatement of Petitioner's expired period for voluntary departure. As such, the Court's not precedential opinion, dated July 22, 2004, is hereby amended as follows:

On page 3, footnote 2, replace the sentence that reads: "Though the thirty-day voluntary departure period had long since lapsed before she sought a stay, we nonetheless

grant this request.” with the following: “In light of our decision in *Reynoso-Lopez v. Ashcroft*, 369 F.3d 275, 280 (3d Cir. 2004), we deny this request (“[B]ecause Congress has not provided statutory authority for appellate courts to reinstate or extend the voluntary departure period prescribed by an IJ or the BIA, this Court lacks jurisdiction to reinstate [petitioner’s] voluntary departure period.”).”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: September 30, 2004