**UNITED STATES COURT OF APPEALS**

**FOR THE EIGHTH CIRCUIT**

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| **John Smith,**  **Petitioner,**  **v.**  **Merrick B. GARLAND,**  **U.S. Attorney General,**  **Respondent.** | **Case File No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **Immigration File No.**  **A012-345-678**  **PETITION FOR REVIEW**  **Detained** |

The above-named Petitioner hereby petitions for review by this Court of the final order of removal entered by the Board of Immigration Appeals on December 3, 2021. The BIA decision reversed an order of the Immigration Judge on November 18, 2020 granting deferral of removal under the Convention Against Torture. A copy of the decisions of the BIA and the IJ are attached.

To date, no court has upheld the validity of the order.

Subject matter jurisdiction is proper pursuant to 8 U.S.C. §§ 1252. This Court has jurisdiction to review “constitutional claims [and] questions of law” notwithstanding any other bars to review. 8 U.S.C. § 1252(a)(2)(D). This Court further has jurisdiction to review legal and factual challenges to an order denying protection under the Convention Against Torture. *Nasrallah v. Barr*, 140 S. Ct. 1683 (2020).

Venue is proper pursuant to 8 U.S.C. § 1252(b)(2) because the immigration judge completed proceedings in Fort Snelling, Minnesota, within the jurisdiction of this judicial circuit.

This petition is timely filed pursuant to 8 U.S.C. § 1252(b)(1) as it is filed within 30 days of the decision of the BIA.

Petitioner is currently detained by the Government at Kandiyohi County Jail, in Willmar, Minnesota.

Dated: December 17, 2021 Respectfully submitted,

s/John Bruning

John Bruning

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