

June 11, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-60762  
Summary Calendar

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FAISAL FATEH,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of  
the Board of Immigration Appeals  
No. A79 006 057  
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Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:\*

Faisal Fateh petitions for review of a decision of the Board of Immigration Appeals ("BIA"). We review the decision of the immigration judge, because as the BIA relied on it in its decision. Mikhael v. INS, 115 F.3d 299, 302 (5th Cir. 1997). We review ques-

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

tions of law de novo. Carbajal-Gonzalez v. INS, 78 F.3d 194, 197 (5th Cir. 1996).

Fateh challenges the validity of the notice to appear, because it was signed by an "Interim District Director." Fateh argues that Interim District Directors are not authorized to issue notices to appear, because they are not listed in 8 C.F.R. § 239.1. This argument is unavailing. The regulation allows for another officer, such as the Interim District Director in Fateh's case, to act in the "capacity" of the District Director until the position is permanently filled. See 8 C.F.R. § 239.1.

The petition for review is DENIED.