

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FASSIL FEKADA, : CIVIL ACTION  
Petitioner, :  
 :  
v. :  
 :  
JOHN ASHCROFT, et al., :  
Respondents. : No. 02-8182

MEMORANDUM AND ORDER

J. M. KELLY, J.

FEBRUARY , 2003

Presently before the Court is a Motion to Reconsider and Amend Judgment filed by Petitioner Fassil Fekada ("Fekada"), which challenges the legal sufficiency of this Court's December 17, 2002 Order affirming the Board of Immigration Appeals ("BIA") decision to deny Fekada relief from removal. Fekada contends that the underlying BIA decision requires Fekada be removed from the United States, but fails to identify a country for removal. Fekada requests that this Court remand the matter to the BIA for an appropriate order designating a country for removal or, in the alternative, that this Court designate a country for removal.<sup>1</sup>

In support of his legal assertion, Fekada contends that 8 U.S.C. § 1229a requires the designation of a country for removal.

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<sup>1</sup> Fekada was admitted to the United States as an Ethiopian refugee and, as such, may never be recognized as a citizen, or accepted, by that country. Potential alternative countries for removal include Sudan, through which Fekada's family traveled immediately prior to his arrival in the United States, or Eritrea, a country that became independent in 1993 from territory that was previously Ethiopia. (Pet.'s Mot. to Recons. and Amend Jmt. at 2.)

This Court's review of that statute, however, has not revealed any provision specifically requiring such a country designation, lest a removal order be rendered fatal without it. See 8 U.S.C. § 1229a.

Nevertheless, the Government has not responded to Fekada's motion despite an indication that service had been effected by Fekada. Since the Government has failed to file a timely response, the Court will grant Fekada's motion as uncontested pursuant to Rule 7.1(c) of the Local Rules of Civil Procedure. E.D. Pa. R. Civ. P. 7.1(c).

It is, therefore, **ORDERED** that Fekada's Motion to Reconsider and Amend Judgment (Doc. No. 8), to which no response has been filed by the Government, is **GRANTED AS UNCONTESTED**, and this matter shall be **REMANDED** to the BIA for designation of an appropriate country for Fekada's removal.

BY THE COURT:

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JAMES MCGIRR KELLY, J.