

08-681 NKEN V. HOLDER

DECISION BELOW:

LOWER COURT CASE NUMBER: 08-1813

QUESTION PRESENTED:

IN ADDITION, THE APPLICATION FOR STAY IS TREATED AS A PETITION FOR A WRIT OF CERTIORARI, AND THE PETITION FOR A WRIT OF CERTIORARI IS GRANTED LIMITED TO THE FOLLOWING QUESTION:

“WHETHER THE DECISION OF A COURT OF APPEALS TO STAY AN ALIEN’S REMOVAL PENDING CONSIDERATION OF THE ALIEN’S PETITION FOR REVIEW IS GOVERNED BY THE STANDARD SET FORTH IN SECTION 242(f)(2) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1252(f)(2), OR INSTEAD BY THE TRADITIONAL TEST FOR STAYS AND PRELIMINARY INJUNCTIVE RELIEF.”

CERT. GRANTED 11/25/2008