

**In the Supreme Court of the United States**

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AHMED ALI,

*Petitioner,*

v.

DEBORAH ACHIM, MICHAEL CHERTOFF, SECRETARY OF THE DEPARTMENT OF  
HOMELAND SECURITY, AND MICHAEL MUKASEY, UNITED STATES ATTORNEY GENERAL,  
*Respondents.*

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**MOTION FOR VOLUNTARY DISMISSAL**

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Pursuant to Rules 21 and 46.1 of the Rules of this Court, petitioner Ahmed Ali moves to dismiss the writ of certiorari pursuant to a settlement agreement with respondents. Counsel for respondents has authorized us to say that the government concurs in this motion.

Mr. Ali was admitted to the United States as a refugee from Somalia in 1999 but was adjudged removable in 2002 after a conviction for substantial battery under Wisconsin law. After a series of proceedings, the Board of Immigration Appeals (“Board”) denied Mr. Ali’s claims to relief in the form of asylum, withholding of removal, or deferral of removal under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), Dec. 10, 1984, 108 Stat. 382, 1465 U.N.T.S. 85. In particular, the Board found that Mr. Ali’s conviction for substantial battery constituted a “particularly serious crime” that rendered him

ineligible for asylum and withholding of removal, and that Mr. Ali had not sufficiently demonstrated that he would face torture upon removal to Somalia.

On a petition for review, the United States Court of Appeals for the Seventh Circuit denied Mr. Ali's petition as to asylum and withholding of removal but granted his petition as to deferral of removal and remanded the CAT claim to the Board for further proceedings. 468 F.3d 462.

Mr. Ali thereafter petitioned this Court for certiorari, and on September 25, 2007, this Court granted the petition to resolve two questions: (1) whether a criminal conviction must be an "aggravated felony," as defined in the Immigration and Nationality Act at 8 U.S.C. § 1101(a)(43), in order to constitute a "particularly serious crime" so as to bar an alien from withholding of removal under 8 U.S.C. § 1231(b)(3); and (2) to what extent the courts of appeals have jurisdiction to review "particularly serious crime" determinations made by the Board of Immigration Appeals in the context of withholding and asylum proceedings. 128 S. Ct. 29.

On December 21, 2007, the parties entered into a settlement agreement. Pursuant to the terms of that settlement agreement, Mr. Ali has agreed not to pursue his claims for asylum and withholding of removal. Each side will bear its own costs. Thus, petitioner respectfully submits that the writ of certiorari should be dismissed.

Respectfully submitted.

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DAVID M. GOSSETT  
*Mayer Brown LLP*  
*1909 K Street, NW*  
*Washington, DC 20006*  
*(202) 263-3000*

BRIAN D. NETTER  
*Mayer Brown LLP*  
*71 S. Wacker Drive*  
*Chicago, IL 60606*  
*(312) 782-0600*

CHARLES ROTH  
*Counsel of Record*  
*National Immigrant Justice Center*  
*208 S. LaSalle Street*  
*Chicago, IL 60608*  
*(312) 660-1613*

*Counsel for Petitioner*

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