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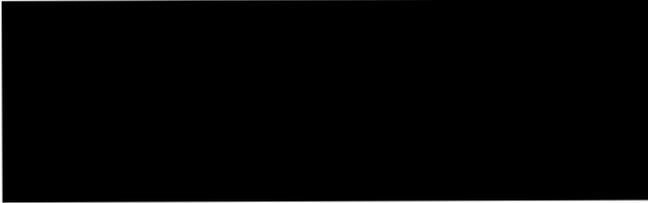
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: WAC 08 148 52749 Office: CALIFORNIA SERVICE CENTER Date: MAR 04 2009

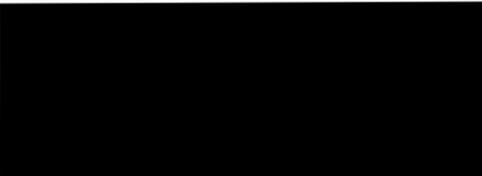
IN RE: Petitioner:



Beneficiary:

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

DISCUSSION: The nonimmigrant visa petition was denied by the director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. On February 17, 2009, counsel to the petitioner requested that the appeal and underlying petition be withdrawn. It is noted that, although the appeal may be withdrawn, the underlying petition may not be withdrawn because a decision has been issued by U.S. Citizenship and Immigration Services in this matter. See 8 C.F.R. § 103.2(b)(6).

ORDER: The appeal is dismissed based on its withdrawal by counsel to the petitioner.

John F. Grissom, Acting Chief
Administrative Appeals Office