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



U.S. Citizenship  
and Immigration  
Services

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FILE: WAC 06 214 50193 Office: CALIFORNIA SERVICE CENTER Date: SEP 14 2007

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

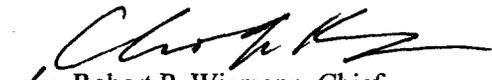
PETITION: Petition for a Nonimmigrant Worker under Section 101(a)(15)(O)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(O)(i)

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.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner is an artist, acting as the beneficiary's agent. The petitioner seeks O-1 nonimmigrant classification of the beneficiary, as an alien with extraordinary ability under section 101(a)(15)(O)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(O)(i), in order for the beneficiary, a multimedia artist, to exhibit her work temporarily in the United States for a period of three years from July 1, 2006 to June 30, 2009.

The director denied the petition, finding that the petitioner failed to establish that the beneficiary has received sustained national or international acclaim.

A review of Citizenship and Immigration Services records indicates that this beneficiary is also the beneficiary of an approved O-1 nonimmigrant petition filed by the same petitioner, receipt number WAC 07 084 51977, valid from July 10, 2007 until January 31, 2010. While the petitioner has not withdrawn the appeal in this proceeding, it would appear that the beneficiary is either currently in O-1 status or is able to apply for the appropriate visa abroad, and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

**ORDER:** The appeal is dismissed as moot.