

APR 27 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ISRAEL SANCHEZ-CRUZ,</p> <p style="text-align: center;">Petitioner</p> <p>v.</p> <p>ERIC H. HOLDER, Jr.,* Attorney General,</p> <p style="text-align: center;">Respondent</p>
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No. 04-73573

Agency No. A76-345-844

ORDER AMENDING
MEMORANDUM AND
DENYING PETITION FOR
REHEARING

Before: B. FLETCHER and RYMER, Circuit Judges, and DUFFY,** Senior District Judge.

The memorandum disposition filed May 27, 2008, is amended as follows.

Replace the second paragraph on page 2 with: Sanchez-Cruz is ineligible for cancellation of removal because he was convicted of a crime involving fraud, thus

* Eric H. Holder is substituted for his predecessor, Michael Mukasey, as Attorney General of the United States. Fed. R. App. P. 43(c)(2).

** The Honorable Kevin Thomas Duffy, Senior United States District Judge for the Southern District of New York, sitting by designation.

an offense involving moral turpitude. *See* 8 U.S.C. § 1229b(b)(1)(C); 8 U.S.C. § 1182(a)(2); *Jordan v. De George*, 341 U.S. 223, 227 (1951). Through a signed plea agreement, Sanchez-Cruz pleaded guilty to knowingly making a materially false statement in order to obtain a social security card, a tangible benefit. *See Blanco v. Mukasey*, 518 F.3d 714, 719-20 (9th Cir. 2008); *see also Navarro-Lopez v. Gonzales*, 503 F.3d 1063, 1076 (9th Cir. 2007) (en banc) (Reinhardt, J., concurring).

With the above amendment, the panel has voted to deny the petition for rehearing. The petition for rehearing is DENIED.

No further petitions for rehearing and rehearing en banc will be entertained.