

JUN 19 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PAULINE IM; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, JR., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 05-70027

Agency Nos. A079-267-088
A079-267-089

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted May 17, 2007
San Francisco, California

Before: B. FLETCHER, SILER,** and HAWKINS, Circuit Judges.

In light of the United States Supreme Court decision in *Negusie v. Holder*,
129 S. Ct. 1159 (2009), we remand this action to the Board of Immigration
Appeals (BIA) for reconsideration consistent with the Supreme Court’s opinion
and to conduct whatever additional factfinding that “may be prudent and

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Eugene E. Siler, Jr., Senior United States Circuit
Judge for the Sixth Circuit, sitting by designation.

necessary” in light of the BIA’s new standard for application of the persecutor bar. *Id.* at 1168. The panel retains jurisdiction over any future appellate proceedings in this matter.

REMANDED.