

APR 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FELIPE DE JESUS HERNANDEZ-PADILLA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER JR., Attorney General,</p> <p>Respondent.</p>
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No. 05-75291

Agency No. A076-850-597

MEMORANDUM*

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

Argued and Submitted November 6, 2009
San Francisco, California

Before: B. FLETCHER, CANBY, and GRABER, Circuit Judges.

Petitioner Felipe de Jesus Hernandez-Padilla petitions for review of the Board of Immigration Appeals' denial of cancellation of removal. Because Petitioner's case is in all relevant ways identical to the petitioner's case in Nunez-Reyes v. Holder, No. 05-75291, slip op. at 6053 (9th Cir. Apr. 23, 2010), and in the petitioner's case in Rice v. Holder, 597 F.3d 952 (9th Cir. 2010), we grant the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

petition for review and remand for further proceedings. As in Nunez-Reyes, we remand on an open record, and the government is free to raise any arguments not rejected in that opinion.

Petition GRANTED; case REMANDED.