

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 17 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

VITALIO NOE MERIDA-ALVARADO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72021

Agency No. A073-987-227

ORDER

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

We hereby sua sponte withdraw the memorandum disposition filed on January 19, 2010.

The motion to stay the mandate is denied as moot.

Within 30 days after the date of this order, petitioner shall notify the court in writing as to whether he wishes (1) to stand on the opening brief filed on February 11, 2008 or (2) to strike the opening brief and file a replacement brief. If petitioner elects to file a replacement brief, such brief shall be due within 30 days after the date of this order. Any replacement answering and optional reply briefs shall be filed in accordance with the time limits set forth in Federal Rule of Appellate Procedure 31(a).

The Clerk shall calendar this case for the next available oral argument upon completion of briefing.