

**FILED**

UNITED STATES COURT OF APPEALS

AUG 08 2011

FOR THE NINTH CIRCUIT

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

FELIPE DE JESUS HERNANDEZ-  
PADILLA,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney General,

Respondent.

No. 05-75291

Agency No. A076-850-597

ORDER

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

Respondent's Petition for Panel Rehearing is GRANTED. The memorandum disposition filed on April 27, 2010, is amended by the memorandum disposition filed concurrently with this order. No further petitions for rehearing or petitions for rehearing en banc will be entertained.

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No. 05-75291

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AMENDED 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. We originally held that, "[b]ecause Petitioner's case is in all relevant ways identical to the petitioner's case in Nunez-Reyes v. Holder, [602 F.3d 1102 (9th Cir. 2010) (per curiam)], and in the petitioner's case in Rice v. Holder, 597 F.3d 952 (9th Cir.

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

2010), we grant the petition for review." Hernandez-Padilla v. Holder, 377 F. App'x 678, 679 (9th Cir. 2010) (unpublished decision). Sitting en banc, we overruled the three-judge panel decisions in Nunez-Reyes and Rice. Nunez-Reyes v. Holder, No. 05-74350, 2011 WL 2714159, at \*8 (9th Cir. July 14, 2011) (en banc). For the same reasons as stated in our en banc decision, we must deny the petition for review in this case.

**Petition DENIED.**