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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT SMITH, an individual,  
individually and on behalf of a class of  
similarly situated persons,

Plaintiff - Appellant,

v.

AMERICREDIT FINANCIAL SERVICES,  
INC., a business entity form unknown, DBA  
ACF Financial Services, Inc.,

Defendant - Appellee.

No. 09-57016

D.C. No. 3:09-cv-01076-DMS-  
BLM

ORDER

Appeal from the United States District Court  
for the Southern District of California  
Dana M. Sabraw, District Judge, Presiding

Argued and Submitted December 8, 2011  
Pasadena, California

Before: B. FLETCHER, SILVERMAN, and WARDLAW, Circuit Judges.

Because of recent developments after the district court's order on December 11, 2009, we vacate the order compelling arbitration and remand the matter for reconsideration in light of *AT&T Mobility, LLC v. Concepcion*, 131 S. Ct. 1740 (2011), and *Sanchez v. Valencia Holding Co.*, \_\_\_ Cal. Rptr. 3d \_\_\_, 2011 WL 5865694 (Ct. App. 2011).

**VACATED AND REMANDED.**