

FILED

UNITED STATES COURT OF APPEALS

MAY 10 2012

FOR THE NINTH CIRCUIT

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

JOSE MARTIN GARCIA-OLIVARRIA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72631

Agency No. A044-542-105

ORDER

Before: REINHARDT, HAWKINS, and N.R. SMITH, Circuit Judges.

The Joint Motion to Withdraw Decision and Remand is GRANTED. The Memorandum filed October 25, 2011 is withdrawn. The petition for review is remanded to the Board of Immigration Appeals for reconsideration in light of the Supreme Court's decision in *Vartelas v. Holder*, — U.S. —, 132 S. Ct. 1479 (Mar. 28, 2012). A copy of this order shall constitute the mandate of this court.