

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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| JAIME PEREZ-ENRIQUEZ, <i>Petitioner,</i> | } | No. 03-70244 Agency No. A92-002-074 ORDER |
| v. | | |
| ALBERTO R. GONZALES,* Attorney General, <i>Respondent.</i> | | |

Filed June 14, 2005

Before: Cynthia Holcomb Hall and Consuelo M. Callahan,
Circuit Judges, and William O. Bertelsman,** Senior Judge.

OPINION

The panel's September 9, 2004, opinion is withdrawn. The new opinion is filed concurrently with this order. The petition for rehearing and suggestion for rehearing en banc is denied as moot. The parties may file a new petition for rehearing or suggestion for rehearing en banc as provided for by Federal Rule of Appellate Procedure 40.

*Alberto R. Gonzales is substituted for his predecessor, John Ashcroft, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

**The Honorable William O. Bertelsman, Senior United States District Judge for the Eastern District of Kentucky, sitting by designation.

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