

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

SERGIO MARTINEZ-PEREZ, <i>Petitioner,</i>	}	No. 03-70531 Agency No. A36-908-119 <b>ORDER</b>
v.		
ALBERTO R. GONZALES,* Attorney General, <i>Respondent.</i>		

Filed August 2, 2005

Before: A. Wallace Tashima, Raymond C. Fisher, and  
Richard C. Tallman, Circuit Judges.

---

**ORDER**

The opinion filed on December 29, 2004, and reported at 393 F.3d 1018, is withdrawn and the amended opinion filed concurrently with this order is substituted in its place. The time for filing petitions for rehearing shall run anew commencing on the filed date of the amended opinion, in accordance with Fed. R. App. P. 40(a)(1) and 35(c).

---

\*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).

---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY THOMSON/WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2005 Thomson/West.