

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

CARLOS RENE RIVAS-GOMEZ,  
*Petitioner,*

v.

ALBERTO R. GONZALES, Attorney  
General,

*Respondent.*

No. 03-72087

Agency No.  
A74-705-590

ORDER

Filed March 22, 2007

Before: Edward Leavy and Stephen S. Trott, Circuit Judges,  
and Louis H. Pollak,\* Senior Judge.

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**ORDER**

The panel's Opinion and dissent filed April 3, 2006, slip op. 3611, and appearing at 441 F.3d 1072 (9th Cir. 2006), is withdrawn. It may not be cited as precedent by or to this court or any district court of the Ninth Circuit. The new Memorandum Disposition is filed concurrently with this order.

With this withdrawal of the opinion and the filing of the Memorandum Disposition, the petition for rehearing and the petition for rehearing en banc are 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.

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\*The Honorable Louis H. Pollak, Senior United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

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