

FOR PUBLICATION

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

EDUARDO J. ENRIQUEZ, AKA
Eduardo Jobanny Enriquez,
Petitioner,

v.

ROBERT M. WILKINSON, Acting
Attorney General,
Respondent.

No. 13-72934

Agency No.
A095-465-235

ORDER

On Petition for Review of an Order of the
Board of Immigration Appeals

Submission Deferred April 3, 2020
Submitted August 6, 2020*
Pasadena, California

Filed March 1, 2021

Before: Kim McLane Wardlaw, Mary H. Murguia, and
Eric D. Miller, Circuit Judges.

Order

* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 35(a)(2).

COUNSEL

Gabriella Navarro-Busch, Ventura, California, for Petitioner.

Terri J. Scadron, Assistant Director; Corey L. Farrell, Attorney; Elizabeth K. Fitzgerald-Sambou, Trial Attorney; Office of Immigration Litigation, Civil Division, United States Department of Justice, Washington, D.C.; for Respondent.

ORDER

Respondent's unopposed motion to remand (Dkt. No. 74) is **GRANTED**. We **REMAND** this case to the Board of Immigration Appeals for reconsideration of whether Petitioner's conviction under Cal. Penal Code § 136.1(a)(2) constitutes a crime of moral turpitude. We **WITHDRAW** our previously filed opinion in this case, *Enriquez v. Barr*, 969 F.3d 1057 (9th Cir. 2020), and **DENY** Petitioner's petition for rehearing en banc (Dkt. No. 64) as moot.

Petitioner's order of removal is **STAYED** pending a new final decision by the BIA and any decision of this Court on a subsequent petition for review, should one be filed. Each party shall bear its own costs of appeal. This order constitutes the mandate of this court.

IT IS SO ORDERED.