

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2018

FOR THE NINTH CIRCUIT

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

ECKY MARTO TOMPODUNG and  
IVONNE MARLYN TOMPODUNG, aka  
Efonia Marlet Tompodung,

Petitioners,

v.

MATTHEW G. WHITAKER, Acting  
Attorney General,

Respondent.

No. 12-73479

Agency Nos. A078-020-376  
A097-351-366

MEMORANDUM\*

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

Submitted December 17, 2018\*\*

Before: WALLACE, SILVERMAN, and McKEOWN, Circuit Judges.

Ecky Marto Tompodung and Ivonne Marlyn Tompodung, natives and  
citizens of Indonesia, petition for review of the Board of Immigration Appeals'  
("BIA") order denying their motion to reopen removal proceedings. We have

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 8 U.S.C. § 1252. We grant the petition and remand.

Because the BIA did not have the benefit of our intervening opinion *Salim v. Lynch*, 831 F.3d 1133 (9th Cir. 2016) when rendering its decision in this case, we grant the petition and remand to allow the agency to address the application of *Salim*, if any, to petitioners' motion to reopen.

**PETITION FOR REVIEW GRANTED; REMANDED.**