

REVISED June 10, 2009

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 8, 2009

No. 08-60589

Charles R. Fulbruge III
Clerk

RU LIAN

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A200 038 254

Before REAVLEY, WIENER, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

After briefing was complete in this matter, the Supreme Court decided *Negusie v. Holder*, 129 S. Ct. 1159 (2009). The Court remanded to the Board of Immigration Appeals the issue of whether there is a duress defense to the "persecutor bar" to asylum. Because Ru Lian's right to consideration for asylum may be impacted by *Negusie*, we GRANT the petition for review, VACATE the BIA's decision, and REMAND. The BIA should reconsider Ru Lian's claims in

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 08-60589

light of its eventual decision in Negusie and make such further disposition of the case as that determination requires.