

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HERNAN ISMAEL DELGADO,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney
General,

Respondent.

No. 03-74442

Agency No.
A078-461-226

ORDER

Filed September 2, 2010

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.