

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FLAVIO NUNEZ-REYES, aka Flavio
Reyes,
Petitioner,
v.
ERIC H. HOLDER Jr., Attorney
General,
Respondent.

No. 05-74350
Agency No.
A078-181-648
ORDER

Filed September 24, 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.