

UNITED STATES COURT OF APPEALS

FEB 08 2011

FOR THE NINTH CIRCUIT

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

JOSE MORENO-ALVAREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-73642

Agency No. A043-954-304

ORDER

Before: FERNANDEZ, SILVERMAN, and CALLAHAN, Circuit Judges.

The panel amends the memorandum disposition filed on May 4, 2010 as follows: delete the concluding sentence that reads, “Accordingly the petition for review is hereby GRANTED” and insert the following, “Accordingly the petition for review is hereby GRANTED and the case is REMANDED for any further proceedings consistent with this disposition.”

With that change, Judges Fernandez and Callahan vote to deny the Petition for Panel Pehearing and Judge Silverman votes to grant the petition. The Petition for Panel Rehearing is DENIED. No further petitions will be entertained.