

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 1 2021

FOR THE NINTH CIRCUIT

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

EDUARDO J. ENRIQUEZ, AKA Eduardo
Jobanny Enriquez,

Petitioner,

v.

ROBERT M. WILKINSON, Acting
Attorney General,

Respondent.

No. 13-72934

Agency No. A095-465-235

ORDER

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

Submission Deferred April 3, 2020
Submitted August 6, 2020*
Pasadena, California

Before: Kim McLane Wardlaw, Mary H. Murguia, and Eric D. Miller, Circuit
Judges.

Respondent's unopposed motion to remand (Dkt. No. 74) is GRANTED.

We REMAND this case to the Board of Immigration Appeals for reconsideration
of whether Petitioner's conviction under Cal. Penal Code § 136.1(a)(2) constitutes
a crime of moral turpitude. We WITHDRAW our previously filed opinion in this

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

case, *Enriquez v. Barr*, 969 F.3d 1057 (9th Cir. 2020), and DENY Petitioner's petition for rehearing en banc (Dkt. No. 64) as moot.

Petitioner's order of removal is STAYED pending a new final decision by the BIA and any decision of this Court on a subsequent petition for review, should one be filed. Each party shall bear its own costs of appeal. This order constitutes the mandate of this court.

IT IS SO ORDERED.