

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 7 2020

FOR THE NINTH CIRCUIT

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

ARACELI RODRIGUEZ, individually and  
as the surviving mother and personal  
representative of J.A.,

Plaintiff-Appellee,

v.

LONNIE SWARTZ, Agent of U.S. Border  
Patrol,

Defendant-Appellant.

No. 15-16410

D.C. No. 4:14-cv-02251-RCC

ORDER\*

On Remand from the United States Supreme Court

Before: KLEINFELD and M. SMITH, Circuit Judges, and KORMAN, \*\* District  
Judge.

On March 2, 2020, the U.S. Supreme Court granted Appellant's petition for  
certiorari, vacated our opinion filed August 7, 2018, and remanded for further  
consideration in light of *Hernandez v. Mesa*, 589 U.S. \_\_\_\_ (2020). We hereby  
**VACATE** the district court's decision and **REMAND** for further proceedings

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable Edward R. Korman, United States District Judge for  
the Eastern District of New York, sitting by designation.

consistent with *Hernandez*.

**IT IS SO ORDERED.**