

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

RAMON RAMIREZ-ALEJANDRE,

Petitioner,

v.

JOHN ASHCROFT,¹ Attorney General of the
United States of America,

Respondent.

No. 00-70724

I&NS No. A70-450-725

ORDER

Filed April 10, 2002

BEFORE: SCHROEDER, Chief Judge.

Upon the vote of a majority of nonrecused regular active judges of this court,² it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

¹John Ashcroft is substituted for his predecessor, Janet Reno, as Attorney General of the United States, Fed. R. App. P. 43(c)(2).

²Judge Fisher was recused.