

FOR PUBLICATION

**FILED**

UNITED STATES COURT OF APPEALS

SEP 01 2004

FOR THE NINTH CIRCUIT

CATHY A. GATTERSON, CLERK  
U.S. COURT OF APPEALS

LUIS L. ARMENTERO,

Petitioner - Appellant,

v.

IMMIGRATION AND NATURALIZATION  
SERVICE,

Respondent - Appellee.

No. 02-55368

D.C. No. CV-01-08658-TJH  
Central District of California, Los  
Angeles

ORDER

Before: MESKILL,\* FERGUSON, and BERZON, Circuit Judges.

The Respondent-Appellee's Petition for Rehearing is GRANTED. The opinion filed August 26, 2003, slip op. 12069, and appearing at 340 F.3d 1058 (9th Cir. 2003), is WITHDRAWN. It may not be cited as precedent by or to this court or any district court of the Ninth Circuit.

Resubmission of this case is deferred pending oral argument. Argument is set for Monday, October 4, 2004, at 3:00 p.m., in San Francisco, California.

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\* The Honorable Thomas J. Meskill, Senior United States Circuit Judge for the Second Circuit, sitting by designation.