

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

PALEPALE ULUAKI FUA FINAU,  
Petitioner.

No. 00-70238

v.

BIA No.

IMMIGRATION AND NATURALIZATION

A-41-812-646

SERVICE; JOHN ASHCROFT,\*  
Attorney General, United States  
Department of Justice,  
Respondents.

Filed February 22, 2002

Before: William C. Canby, Jr., Michael Daly Hawkins, and  
Ronald M. Gould, Circuit Judges.

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**ORDER**

The Joint Motion for Voluntary Dismissal Pursuant to FRAP 42(b) and to Vacate Decision, and Motion to Withdraw Petition for Rehearing and for Rehearing En Banc are GRANTED.

The Opinion, appearing at 270 F.3d 859 (9th Cir. 2001), and the Amended Opinion, appearing at \_\_\_\_\_ F.3d \_\_\_\_\_, 2002 WL 63712 (9th Cir. January 18, 2002), are withdrawn.

Per the parties' agreement, each shall bear its own costs.

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