

APR 25 2008

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RAMON RIOS-PALACIOS,

Petitioner,

v.

**MICHAEL B. MUKASEY, Attorney
General,**

Respondent.

No. 06-73219

Agency No. A30-546-206

ORDER*

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

Argued and Submitted April 17, 2008
San Francisco, California

Before: **TROTT** and **THOMAS**, Circuit Judges, and **HOGAN**,** District
Judge.

Upon reconsideration of the Appellate Commissioner's August 7, 2007
order, Respondent's July 18, 2007 motion to remand to the Board of Immigration
Appeals ("BIA") is granted. The BIA shall consider Ramon Rios-Palacios's claim

* This disposition is not appropriate for publication and may not be cited
except as provided by 9th Cir. R. 36-3.

** The Honorable Michael R. Hogan, United States District Judge for the
District of Oregon, sitting by designation.

that the doctrine of res judicata, or claim preclusion, bars a successive removal proceeding based on charges the Department of Homeland Security could have asserted in a prior proceeding, in light of Bravo-Pedroza v. Gonzales, 475 F.3d 1358 (9th Cir. 2007).

REMANDED FOR FURTHER PROCEEDINGS.