

FILED

OCT 2 2007

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

ESTEBAN SOLANO CRUZ,

Petitioner,

v.

PETER D. KEISLER,* Acting Attorney
General,

Respondent.

No. 05-74023

Agency No. A76-365-599

ORDER

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Esteban Solano Cruz, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") June 2005 order denying his motion to reconsider. Respondent has requested the opportunity to submit supplemental briefing should we decide Solano Cruz has not waived his right to challenge that order. In lieu of ordering supplemental briefing at this time, we refer this matter to mediation by the court's mediation office.

* Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).