

FILED

JAN 27 2009

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

VIRGILIO ANAYA-ORTIZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 03-74666

Agency No. A092-962-367

ORDER

Before: BERZON and IKUTA, Circuit Judges, and SINGLETON,* Senior District Judge.

The memorandum disposition filed August 27, 2007 is withdrawn. We replace it with a published opinion, filed concurrently with this order.

Anaya's petition for panel rehearing is denied. The parties may file new petitions for rehearing and rehearing en banc in accordance with the Federal Rules of Appellate Procedure.

* The Honorable James K. Singleton, United States District Judge for the District of Alaska, sitting by designation.