

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 30 2009

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

JOSE ANTONIO MEZA-CASTILLO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-72407

Agency No. A072-312-894

ORDER

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

The memorandum disposition filed on December 28, 2007 is amended to replace the sentence “Moreover, as the government recognizes, the record of conviction in this case does not establish the factual predicate for Meza-Castillo’s plea.” with “Moreover, the record of conviction in this case does not establish the factual predicate for Meza-Castillo’s plea. *See Penuliar v. Mukasey*, 528 F.3d 603, 612-14 (9th Cir. 2008).”

With this amendment, the respondent’s petition for panel rehearing is denied. No further petitions for rehearing may be filed.