

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HECTOR MONTERO-MARTINEZ;
GREGORIO PEDRO MONTERO-
HERNANDEZ,

Petitioners,

v.

JOHN ASHCROFT, Attorney General of the
United States,*

Respondent.

No. 99-70596

INS Nos. A75-482-401
A75-482-402

ORDER AMENDING
OPINION

Filed May 30, 2001

Before: PREGERSON, SILVERMAN, and TALLMAN, Circuit Judges.

The Opinion filed on May 23, 2001, is amended as follows:

Slip opinion page 6493:

The text under section II.B. (“Hypothetical Jurisdiction”), beginning with the sentence, “In certain cases where jurisdiction is disputed . . .” through the end of section II.B. is deleted. It is replaced with the following sentence:

“The doctrine of hypothetical jurisdiction is not a permissible basis upon which to exercise jurisdiction. See Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83

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

(1998).”

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