

FOR PUBLICATION

**FILED**

UNITED STATES COURT OF APPEALS

**MAR 03 2005**

FOR THE NINTH CIRCUIT

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

ALMAZ SAYOUM ABEBE; SISAY  
MENGISTU,

Petitioners,

v.

ALBERTO R. GONZALES\*, Attorney  
General,

Respondent.

No. 02-72390

Agency Nos. A72-693-580  
A72-693-581

ORDER

Before: SCHROEDER, Chief Judge:

Upon the vote of a majority of nonrecused regular active judges of this court it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

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