

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

BENJAMIN CABRERA, ET. AL. )

Petitioners, )

No. 03-73811

ALBERTO R. GONZALES, Attorney General<sup>1/</sup> )

Respondent. )

RESPONDENT'S MOTION TO REMAND

Respondent respectfully moves the Court to remand the proceedings in this case to the Board of Immigration Appeals (“Board”), for the Board to reconsider its decision in light of this Court's recent decision in Molina-Camacho v. Ashcroft, 393 F.3d 937 (9th Cir. 2004).

On February 7, 2005, respondent contacted petitioner's counsel regarding this motion, but has not yet determined whether petitioner concurs in this motion

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General  
Civil Division

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<sup>1</sup> In accordance with Federal Rule of Civil Procedure 25(d)(1), Alberto R. Gonzales, newly confirmed and sworn in as Attorney General of the United States, is hereby substituted for John Ashcroft, as Respondent in this case.

LINDA S. WERNERY  
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