

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

April 9, 2004

Before

Hon. RICHARD D. CUDAHY, Circuit Judge

Hon. KENNETH F. RIPPLE, Circuit Judge

Hon. MICHAEL S. KANNE, Circuit Judge

DENADA M. BACE,		] Petition for Review of
Petitioner,		] an Order of the Board of
		] Immigration Appeals
No. 02-3909	v.	] No. A76-140-481
		]
JOHN ASHCROFT, United States		]
Attorney General,		]
Respondent.		]

ORDER

This case is before the panel on a petition for panel rehearing filed on March 2, 2004, by the Respondent.

In response, the opinion is modified, as follows:

DELETE:

“The IJ’s cursory opinion did not make a specific credibility ruling nor a specific finding on past persecution.” Bace, 352 F.3d at 1138.

REPLACE WITH:

“The IJ’s cursory opinion did not make a specific credibility ruling nor a specific finding whether the alleged mistreatment of the Baces was sufficiently severe to qualify as persecution assuming that its motivation implicated a statutory ground. (citation omitted) However, the clear implication of the IJ’s analysis was that he rejected a finding of persecution only on grounds of its motivation.” Id.

DELETE:

“For these reasons, although the BIA failed to make an express finding with respect to past persecution, any determination that the Baces were not the victims of past persecution on account of Mr. Bace’s political opinion is not supported by substantial evidence.” Bace, 352 F.3d at 1139.

REPLACE WITH:

“For these reasons, any determination that the Baces were not the victims of past persecution on account of Mr. Bace’s political opinion is not supported by substantial evidence.” Id.

On further consideration of the petition for rehearing and the answer filed by the petitioner on March 18, 2004, all of the judges on the panel have voted to deny the petition for rehearing. Accordingly, the petition for panel rehearing is hereby **DENIED**.