

United States Court of Appeals
For the First Circuit

No. 09-2071

ALPHONSE DEHONZAI,
Petitioner,

v.

ERIC H. HOLDER, JR., ATTORNEY GENERAL,
Respondent.

Before
Lynch, Chief Judge,
Torruella, Boudin, Lipez, Howard and Thompson,
Circuit Judges.

ORDER OF COURT
Entered: August 15, 2011

Pursuant to First Circuit Internal Operating Procedure X(C), the petition for rehearing en banc has also been treated as a petition for rehearing before the original panel. The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

TORRUELLA, Circuit Judge, dissenting. Having read the panel opinion and the petition for rehearing, I am concerned that the Castaneda-Castillo standard for assessing credibility determinations was not properly applied, as documented by Judge Thompson in her dissent. See Castaneda-Castillo v. Holder, 488 F.3d 17, 22-23 (1st Cir. 2007). Moreover, I believe that clarifying our approach to such determinations is a matter worthy of en banc review. I therefore voted to grant en banc rehearing.

THOMPSON, Circuit Judge, dissenting. The appellant's en banc petition raises concerns over our inconsistently applied standard of review of immigration courts' credibility determinations. I share the appellant's concerns, see Dehonzai v. Holder, 2011 WL 1988206, at *11 (1st Cir. May 23, 2011) (Thompson, J., dissenting), and think this would be an appropriate case for the en banc court to inject clarity into a confused doctrine.

By the Court:
/s/ Margaret Carter, Clerk

cc: Mr. Rubin, Ms. Sherman, Ms. Bing, Mr. Truman & Mr. Zanfardino.