

No. 08-4170

MARCO TULIO ESPINOSA-CORTEZ;
LUZ MARINO LOPEZ-TIBADUIZA;
XIMENA DEL PILAR ESPINOSA-LOPEZ,

Petitioners

v.

ATTORNEY GENERAL OF THE UNITED STATES,

Respondent

(Agency Case Numbers A98-542-368, A98-542-369, A98-543-097)

Present: RENDELL, AMBRO and FUENTES, Circuit Judges

Motion by Respondent to Amend or Modify the Decision.

/s/Marianne Bowers

Case Manager (267)299-4911

ORDER

The foregoing Motion by Respondent to Amend or Modify the Decision is granted. It is hereby ordered that the Slip Opinion filed in this case on June 2, 2010, be amended as follows:

On page 14, delete the following sentence: “Rather, the applicant must only demonstrate that the protected ground constitutes ‘at least one central reason for persecuting the applicant.’ 8 U.S.C. § 1108(b)(1)(B)(I).” Insert the following sentence in its place: “Rather, the applicant must only demonstrate that the persecution was at least in part motivated by the protected ground. See Ndayshimiye v. Att’y Gen., 557 F.3d 124, 129 (3d Cir. 2009).”

On page 22, delete the following sentence: “We agree with this analysis, and, as was the case in Cordon-Garcia, we believe that a reasonable factfinder would be compelled to conclude that the political opinions that the guerrillas imputed to Espinosa-Cortez were ‘at least one central reason’ for the FARC’s threats. 8 U.S.C.

§ 1108(b)(1)(B)(I).” Insert the following sentence in its place: “We agree with this analysis, and, as was the case in Cordon-Garcia, we believe that a reasonable factfinder would be compelled to conclude that the FARC’s threats were motivated at least in part by the political opinions that the guerrillas imputed to Espinosa-Cortez.”

On page 28, delete the word “centrally” from the sentence “Under these circumstances, the BIA’s conclusion that the FARC’s threats were not centrally motivated by a political opinion the guerrillas imputed to Espinosa-Cortez is not supported by substantial evidence in the record.” Delete the following sentence: “For the foregoing reasons, we will grant the petition for review.” Insert the following sentence in its place: “For the foregoing reasons, we will grant the petition for review and remand to the Board for further proceedings.”

By the Court,

s/ Julio M. Fuentes

Circuit Judge

Dated: July 27, 2010