

14 F.3d 61 (1994)

AYUDA, INC., et al.

v.

Janet RENO, individually and as Attorney General of the United States,
et al., Appellants.

[Nos. 88-5226, 90-5293 and 89-5301.](#)

United States Court of Appeals, District of Columbia Circuit.

January 27, 1994.

Before: MIKVA, Chief Judge; WALD, EDWARDS, SILBERMAN, BUCKLEY, WILLIAMS,
GINSBURG, SENTELLE, HENDERSON, and RANDOLPH, Circuit Judges.

ORDER

PER CURIAM.

Appellees' Suggestion For Rehearing *In Banc* has been circulated to the full court. The taking of a vote was requested. Thereafter, a majority of the judges of the court in regular active service did not vote in favor of the suggestion. Upon consideration of the foregoing it is

ORDERED, by the Court *in banc*, that the suggestion is denied.

Chief Judge MIKVA and Circuit Judge WALD would grant the suggestion. A statement of Circuit Judge WALD is attached.

WALD, Circuit Judge, dissenting from the denial of the suggestion for rehearing *in banc*:

For reasons discussed in my dissent in [Ayuda, Inc. v. Reno, 7 F.3d 246, 251-54 \(D.C.Cir.1993\)](#), I would grant the suggestion for rehearing *in banc* to remand the case to the district court in order to determine whether there are undocumented aliens in the Masters' files eligible to pursue this five-year-old challenge to the INS amnesty regulations under the Supreme Court's criteria in [Reno v. Catholic Social Service, Inc., U.S. , 113 S.Ct. 2485, 125 L.Ed.2d 38 \(1993\)](#). This was the course followed by the Supreme Court itself in *Catholic Social Services* and by other courts of appeals on remand from the Supreme Court after *Catholic Social Services* was decided. See [Perales v. Thornburgh, 4 F.3d 99 \(2d Cir.1993\)](#); [League of United Latin American Citizens v. INS, 999 F.2d 1362 \(9th](#)

Cir.1993); *Catholic Social Services, Inc. v. Reno*, 996 F.2d 221, 222 (9th Cir.1993). The petitioners here tell us that eligible plaintiffs are in fact registered in the Masters' files, and I do not think we need or should ignore their plight.