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**Tomas Tostado-Tostado, Petitioner v. Ken Carlson, Interim Deputy Field Office
Director, Bureau of Immigration and Customs Enforcement.**

No. 06-6766.

SUPREME COURT OF THE UNITED STATES

2007 U.S. LEXIS 22

January 8, 2007, Decided

PRIOR HISTORY: Tostado v. Carlson, 437 F.3d 706,
2006 U.S. App. LEXIS 2645 (8th Cir. Mo., 2006)

JUDGES: [*1] Roberts, Stevens, Scalia, Kennedy,
Souter, Thomas, Ginsburg, Breyer, Alito.

OPINION: The motion of petitioner for leave to proceed

in forma pauperis and the petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of Lopez v. Gonzales, 549 U.S. , 127 S. Ct. 625 (2006).