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## **COUNSEL**

Richard D. Rome, Van Nuys, California, for the defendant-appellant.

Steven M. Arkow, United States Department of Justice, Criminal Division, Los Angeles, California, for the plaintiff-appellee.

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## **OPINION**

WARDLAW, Circuit Judge:

Ralph Leyva ("Leyva"), a former asylum officer of the Immigration and Naturalization Service ("INS"), appeals his





refer to the use of an official position. Without such a mean-



