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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERNESTO RODRIGUEZ-VERA, aka
Ernesto Rodriguez Vera,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-72543

Agency No. A096-107-899

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 8, 2009**
Seattle, Washington

Before: D.W. NELSON, SILVERMAN, and IKUTA, Circuit Judges.

Rodriguez-Vera argues that, because Revised Code of Washington § 9.41.170 includes antique firearms in its definition of firearms, his conviction under that statute does not categorically qualify as a firearm offense for purposes

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

of being statutorily ineligible for cancellation of removal under 8 U.S.C. § 1229(b)(1)(C) (referencing 8 U.S.C. § 1227(a)(2)). But Rodriguez-Vera failed to raise this argument before the BIA. Accordingly, Rodriguez-Vera failed to exhaust his administrative remedies, *see Zara v. Ashcroft*, 383 F.3d 927, 930 (9th Cir. 2004) (holding that a petitioner “must specify which issues form the basis of the appeal”), and we lack jurisdiction. *See* 8 U.S.C. § 1252(d)(1); *Tejeda-Mata v. INS*, 626 F.2d 721, 726 (9th Cir. 1980) (holding that “if a petitioner wishes to preserve an issue for appeal, he must first raise it in the proper administrative forum).

DISMISSED.