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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE LUIS MALDONADO-ESCOBAR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-73539

Agency No. A074-418-634

MEMORANDUM*

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Jose Luis Maldonado-Escobar, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order denying his application for cancellation of removal. We

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

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

have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo questions of law, *Sandoval-Lua v. Gonzales*, 499 F.3d 1121, 1126-27 (9th Cir. 2007), and we deny the petition for review.

Maldonado-Escobar does not challenge the agency's conclusion that his 2002 conviction for possession of a controlled substance in violation of California Health & Safety Code § 11377(a) rendered him inadmissible pursuant to 8 U.S.C. § 1182(a)(2)(A)(i)(II). As this conviction occurred before Maldonado-Escobar had acquired seven years of continuous residence, we agree with the agency's conclusion that he is not statutorily eligible for cancellation of removal. *See* 8 U.S.C. § 1229b(a)(2), (d)(1). Because our conclusion is dispositive of Maldonado-Escobar's eligibility for cancellation of removal, we do not consider his contention regarding his 2001 conviction.

We cannot consider the new evidence Maldonado-Escobar submitted with his motion to remand as our review is limited to the administrative record. *See* 8 U.S.C. § 1252(b)(4)(A). We therefore deny Maldonado-Escobar's motion to remand. *See* 8 U.S.C. § 1252(a)(1); *Altawil v. INS*, 179 F.3d 791, 792-93 (9th Cir. 1999) (order).

PETITION FOR REVIEW DENIED.