

FEB 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMRIT CHATELAIN,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-70219

Agency No. A038-211-575

MEMORANDUM*

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

Submitted February 16, 2009**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Amrit Chatelain, a native and citizen of India, petitions for review of the Board of Immigration Appeals' (BIA) order dismissing his appeal from an

* 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).

immigration judge's removal order. Our jurisdiction is governed by 8 U.S.C. § 1252, and we dismiss the petition for review.

Chatelain failed to exhaust his contentions that his conviction for delivery of marijuana for consideration does not qualify as a conviction as defined in 8 U.S.C. § 1101(a)(48) and that no contest pleas are inadmissible in removal proceedings to prove the existence of an underlying conviction. *See Barron v. Ashcroft*, 358 F.3d 674, 677 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED.