

FEB 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>BERZELIUS RODRIGUEZ<br/>MARAVILLA,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p> |
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No. 07-71429

Agency No. A042-834-999

MEMORANDUM\*

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

Submitted February 16, 2010\*\*

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

Berzelius Rodriguez Maravilla, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's removal order. We have jurisdiction under

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\* 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).

8 U.S.C. § 1252. We review de novo questions of law, *Husyev v. Mukasey*, 528 F.3d 1172, 1177 (9th Cir. 2008), and we deny the petition for review.

The record of conviction includes numerous court documents establishing that Maravilla was convicted of “sexual assault in the third degree” in violation of Haw. Rev. Stat. § 707-732(1)(b). *See* 8 U.S.C. § 1229a(c)(3)(B).

Maravilla does not challenge the agency’s conclusion that a conviction for violating section Haw. Rev. Stat. § 707-732(1)(b) is an aggravated felony under 8 U.S.C. § 1101(a)(43)(A). *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party’s opening brief are waived). Accordingly, the agency did not err in concluding Maravilla was removable.

**PETITION FOR REVIEW DENIED.**