

MAR 24 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARK LEVY CAMPOS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-73280

Agency No. A037-960-715

MEMORANDUM*

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

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Mark Levy Campos, a native and citizen of the Philippines, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision finding him removable and pretermittting his

* 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).

application for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo questions of law, *Rendon v. Mukasey*, 520 F.3d 967, 971 (9th Cir. 2008), and we deny the petition for review.

The agency properly determined that Campos is removable as an aggravated felon under 8 U.S.C. § 1227(a)(2)(A)(iii) because his conviction under Cal. Health & Safety Code § 11351 was for “illicit trafficking in a controlled substance” as defined by 8 U.S.C. § 1101(a)(43)(B). *See Shepard v. United States*, 544 U.S. 13, 16 (2005) (charging document and transcript of plea colloquy may be used for modified categorical analysis); *Rendon*, 520 F.3d at 976 (“[P]ossession of a controlled substance with the intent to sell contains a trafficking element and is an aggravated felony.”). Campos therefore is ineligible for cancellation of removal. *See* 8 U.S.C. § 1229b(a)(3).

PETITION FOR REVIEW DENIED.