

APR 16 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ENRIQUE AYALA-JIMENEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-73988

Agency No. A075-703-411

MEMORANDUM*

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

Submitted April 5, 2010**

Before: RYMER, McKEOWN and PAEZ, Circuit Judges.

Enrique Ayala-Jimenez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his application for adjustment of status. We have

* 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).

jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo, *Esquivel-Garcia v. Holder*, 593 F.3d 1025, 1028 (9th Cir. 2009), and we deny the petition for review.

It is undisputed that Ayala-Jimenez pleaded guilty to possession for sale of a controlled substance under California law. Ayala-Jimenez's testimony is sufficient evidence to support the IJ's finding that the controlled substance involved in Ayala-Jimenez's conviction was cocaine. *See id.* at 1030. As such the IJ did not err in denying Ayala-Jimenez's application for adjustment of status because he is inadmissible, *see* 8 U.S.C. § 1182(a)(2)(A)(i), and ineligible for a waiver of inadmissibility under 8 U.S.C. § 1182(h).

Ayala-Jimenez's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.