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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROGELIO GOMEZ VIVANCO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70160

Agency No. A075-528-262

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Rogelio Gomez Vivanco, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision finding him ineligible for cancellation of removal.

We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law,

* 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).

Vasquez-Zavala v. Ashcroft, 324 F.3d 1105, 1107 (9th Cir. 2003), and we deny the petition for review.

The agency properly concluded that Gomez Vivanco was ineligible for cancellation of removal because his conviction under Cal. Penal Code § 12025(a) constitutes a firearms offense for the purposes of 8 U.S.C. § 1227(a)(2)(C). *See* 8 U.S.C. § 1229a(b)(1)(C); *Valerio-Ochoa v. INS*, 241 F.3d 1092, 1095 (9th Cir. 2001). The expungement of the conviction pursuant to Cal. Penal Code § 1203.4 did not eliminate the immigration consequences of the conviction. *See Ramirez-Castro v. INS*, 287 F.3d 1172, 1174-76 (9th Cir. 2002).

PETITION FOR REVIEW DENIED.