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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DESIDERIO CORONA-MARTINEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-70724

Agency No. A092-802-425

MEMORANDUM*

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

Submitted June 17, 2010**
San Francisco, California

Before: SCHROEDER and BYBEE, Circuit Judges, and STOTLER, Senior
District Judge.***

The Board of Immigration Appeals (“BIA”) did not err in affirming the
decision of the Immigration Judge denying Corona-Martinez’s application for

* 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).

*** The Honorable Alicemarie H. Stotler, Senior United States District
Judge for the Central District of California, sitting by designation.

cancellation of removal. Aliens who commit “[c]ertain firearm offenses” cannot obtain cancellation of removal. 8 U.S.C. §§ 1227(a)(2)(C), 1229b(b)(1)(C).

Section 1227 lists the “carrying” of a firearm as one such offense rendering an alien ineligible for relief. 8 U.S.C. § 1227(a)(2)(C). Corona-Martinez’s conviction of “carrying a loaded firearm” in violation of California Penal Code § 12031(a)(1) therefore precludes him from obtaining cancellation of removal. *See Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649, 652 (9th Cir. 2004).

The BIA and Immigration Judge did not deprive Corona-Martinez of his due process and equal protection rights. Because Corona-Martinez is statutorily ineligible for cancellation of removal, he cannot demonstrate that any of the alleged due process violations prejudiced him. *See Simeonov v. Ashcroft*, 371 F.3d 532, 537-38 (9th Cir. 2004). Corona-Martinez’s equal protection argument fails because there is a rational basis for denying relief to aliens who commit firearms offenses. *See Avila-Sanchez v. Mukasey*, 509 F.3d 1037, 1041 (9th Cir. 2007).

The petition for review is **DENIED**.