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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OSCAR VASQUEZ-CASTILLION,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-70663

Agency No. A028-943-689

MEMORANDUM\*

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

Submitted June 29, 2010\*\*

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Oscar Vasquez-Castillion, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s deportation 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, *Kankamalage v. INS*, 335 F.3d 858, 861-62 (9th Cir. 2003), and we deny the petition for review.

The doctrine of res judicata does not bar the government from filing an additional charge of deportability against Vasquez-Castillion because the BIA's remand order is not a final judgment, rendered on the merits in a separate action. *See* 8 C.F.R. § 1240.10(e); *Valencia-Alvarez v. Gonzales*, 469 F.3d 1319, 1323-24 (9th Cir. 2006).

**PETITION FOR REVIEW DENIED.**