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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MIGUEL FUENTES-RAMOS,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-71480

Agency No. A077-137-137

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.

Miguel Fuentes-Ramos, 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 order denying his application 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).

Castillo-Cruz v. Holder, 581 F.3d 1154, 1158-59 (9th Cir. 2009), and deny the petition for review.

Applying the modified categorical approach, we agree with the BIA's conclusion that Fuentes-Ramos' conviction for aggravated driving under the influence, in violation of Ariz. Rev. Statutes § 28-1383(A)(1), is a crime involving moral turpitude because the plea transcript evidences that he knew that he did not have a driver's license and was actually driving the vehicle at the time he committed the offense. *Marmolejo-Campos v. Holder*, 558 F.3d 903, 917 (9th Cir. 2009) (en banc). The BIA did not err in denying Fuentes-Ramos' cancellation of removal application because his conviction barred him from establishing good moral character within the relevant statutory period. 8 U.S.C. §§ 1101(f)(3), 1229b(b)(1)(B).

PETITION FOR REVIEW DENIED.