

AUG 02 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOSE FRANCISCO CHAVEZ-
REGALADO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70266

Agency No. A092-703-630

MEMORANDUM*

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

Submitted July 19, 2010**

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Jose Francisco Chavez-Regalado, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review de novo questions of law, *Avila-Sanchez v. Mukasey*, 509 F.3d 1037, 1039-40 (9th Cir. 2007), and we deny the petition for review.

The agency did not err in concluding that Chavez-Regalado did not lawfully acquire permanent resident status in 1993 following his 1990 conviction for possession for sale of cocaine and was therefore ineligible for section 212(c) relief. *See Monet v. INS*, 791 F.2d 752, 754 (9th Cir. 1986).

We lack jurisdiction to review Chavez-Regalado's contention that he is statutorily eligible for cancellation of removal because he failed to exhaust this issue before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

Chavez-Regalado's remaining contentions are unpersuasive.

Chavez-Regalado's request for judicial notice is denied. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.