

AUG 31 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAUL GALLEGOS-CARRILLO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-75134

Agency No. A028-700-894

MEMORANDUM*

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

Submitted August 23, 2010**

Before: LEAVY, HAWKINS, and THOMAS, Circuit Judges.

Raul Gallegos-Carrillo, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) 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 and constitutional claims, *Khan v. Holder*, 584 F.3d 773, 776 (9th Cir. 2009), and we deny the petition for review.

Gallegos-Carrillo does not challenge the BIA's determination that he is removable under 8 U.S.C. § 1227(a)(2)(A)(iii) based on his 1996 conviction for lewd or lascivious acts with a child under 14 years of age in violation of California Penal Code § 288(a).

Contrary to Gallegos-Carrillo's contention, he is ineligible for relief under former section 212(c), 8 U.S.C. § 1182(c) (repealed 1996), because his ground of removability lacks a statutory counterpart in a ground of inadmissibility. *See* 8 C.F.R. § 1212.3(f)(5); *see also Abebe v. Mukasey*, 554 F.3d 1203, 1207 & 1208 n.7 (9th Cir. 2009) (en banc).

Gallegos-Carrillo's retroactivity and equal protection challenges to the BIA's denial of section 212(c) relief are foreclosed by *Abebe*, 554 F.3d at 1207 & 1208 n.7.

PETITION FOR REVIEW DENIED.