

DEC 15 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION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

ROBERTO RAMOS-RUIZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-74033

BIA-1: A013-562-620

MEMORANDUM*

Appeal from the Board of Immigration Appeals
Submitted December 10, 2010**
San Francisco, California

Before: COWEN***, TASHIMA and SILVERMAN, Circuit Judges.

* 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 Robert E. Cowen, Senior United States Circuit Judge for the Third Circuit, sitting by designation.

Roberto Ramos-Ruiz, 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 removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law and constitutional claims. Khan v. Holder, 584 F.3d 773, 776 (9th Cir. 2009). We deny the petition for review.

The agency determined that Ramos-Ruiz is ineligible for relief under former section 212(c) of the Immigration and Nationality Act, 8 U.S.C. § 1182(c) (repealed 1996), because his ground of removability lacks a statutory counterpart in a ground of inadmissibility.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). Ramos-Ruiz's challenges to this determination are foreclosed by this Court's decision in Abebe v. Mukasey, 554 F.3d 1203, 1206, 1208 n.7 (9th Cir. 2009) (en banc).

This Court lacks jurisdiction to consider Ramos-Ruiz's challenge to the agency's finding that he is deportable as an aggravated felon because he failed to raise this issue before the BIA. See 8 U.S.C. § 1252(d)(1); Barron v. Ashcroft, 358 F.3d 674, 677-78 (9th Cir. 2004).

PETITION FOR REVIEW DENIED IN PART AND DISMISSED IN PART.