

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE MAURICIO SALAZAR-
CARRANZA, a.k.a. Joe Salazar, Jr.,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72395

Agency No. A023-075-675

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Jose Mauricio Salazar-Carranza, a native and citizen of El Salvador, 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 for

* 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).

substantial evidence factual findings. *Khan v. Holder*, 584 F.3d 773, 776 (9th Cir. 2009). We deny the petition for review.

Salazar-Carranza's contention that the BIA impermissibly exceeded its review authority in concluding that he was removable as an aggravated felon fails because the determination as to whether a conviction is an aggravated felony is a question of law the BIA is permitted by regulation to review de novo. *See* 8 C.F.R. § 1003.1(d)(3)(ii).

The BIA did not err in concluding that Salazar-Carranza was removable as an aggravated felon because his 2003 conviction for second degree robbery under Cal. Penal Code §§ 211 and 212.5(c) is categorically a crime of violence under 18 U.S.C. § 16, and he was sentenced to a term of imprisonment of at least one year. *See* 8 U.S.C. § 1101(a)(43)(F); *United States v. McDougherty*, 920 F.2d 569, 573 (9th Cir. 1990) (“[R]obbery under California law is . . . by definition a crime of violence.”).

The BIA did not err in relying in part on the Attorney General's decision in *Matter of J-F-F-*, 23 I. & N. Dec. 912 (A.G. 2006), to deny Salazar-Carranza's application for deferral of removal under the Convention Against Torture (“CAT”). *See* 8 C.F.R. § 1003.1(g) (“decisions of the Attorney General . . . shall serve as precedents in all proceedings involving the same issue or issues”). Substantial

evidence supports the BIA's denial of deferral of removal under CAT because Salazar-Carranza failed to demonstrate that it is more likely than not that he will be tortured if removed to El Salvador. *See Wakkary v. Holder*, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.