

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANTONIO FABIAN SILVEYRA- GARCIA, a.k.a. Antonio Fabian Silveyra,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-74735

Agency No. A018-499-789

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.

Antonio Fabian Silveyra-Garcia, a native and citizen of Argentina, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

* 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).

questions of law, *Cazarez-Gutierrez v. Ashcroft*, 382 F.3d 905, 909 (9th Cir. 2004), and we deny the petition for review.

Silveyra-Garcia contention that a conviction under Cal. Penal Code § 496d(a) is not categorically an aggravated felony under 8 U.S.C. § 1101(a)(43)(G) is foreclosed by *Alvarez-Reynaga v. Holder*, 596 F.3d 534, 536-37 (9th Cir. 2010). Silveyra-Garcia's contention that his three-year sentence cannot be attributed to his offense for the purposes of 8 U.S.C. § 1101(a)(43)(G) is unpersuasive.

PETITION FOR REVIEW DENIED.