

DEC 27 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SUKHDARSHAN SINGH, a.k.a. Darshan Singh,</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. 09-71238

Agency No. A092-176-260

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.

Sukhdarshan Singh, a native and citizen of India, petitions for review of a Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de

* 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).

novo questions of law, *Banuelos-Ayon v. Holder*, 611 F.3d 1080, 1082 (9th Cir. 2010), and we deny the petition for review.

We agree with the agency's conclusion that Singh is removable as an aggravated felon under 8 U.S.C. § 1227(a)(2)(A)(iii) because his conviction for violating Cal. Penal Code § 273.5(e) categorically constitutes a crime of violence and Singh was sentenced to a term of imprisonment of at least one year. *See Banuelos-Ayon*, 611 F.3d at 1086 (Cal. Penal Code § 273.5 is categorically a crime of violence under 18 U.S.C. § 16(a)). Singh's contention that Cal. Penal Code § 273.5 includes reckless and non-violent conduct outside the scope of the term "crime of violence" is unpersuasive. *See United States v. Laurico-Yeno*, 590 F.3d 818, 822 & n.4 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.