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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAMON RODRIGUEZ-OROZCO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-70339

Agency No. A092-216-096

MEMORANDUM*

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

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Ramon Rodriguez-Orozco, a native and citizen of Mexico, petitions for review from 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.

* 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).

We review de novo questions of law, *Castillo-Cruz v. Holder*, 581 F.3d 1154, 1158-59 (9th Cir. 2009), and we deny the petition for review.

The agency did not err in concluding that Rodriguez-Orozco is removable under 8 U.S.C. § 1227(a)(2)(A)(iii) based on his 2007 conviction for lewd or lascivious acts with a child under 14 years of age in violation of Cal. Penal Code § 288(a). *See United States v. Baron-Medina*, 187 F.3d 1144, 1146-47 (9th Cir. 1999) (“The use of young children for the gratification of sexual desires constitutes an abuse.”).

Rodriguez-Orozco’s contention that *United States v. Medina-Villa*, 567 F.3d 507 (9th Cir. 2008), conflicts with *Estrada-Espinoza v. Mukasey*, 546 F.3d 1147 (9th Cir. 2008) (en banc), is foreclosed. *See United States v. Valencia-Barragan*, 608 F.3d 1103, 1107 n.2 (9th Cir. 2010). Rodriguez-Orozco’s contention that *Nijhawan v. Holder*, 129 S.Ct. 2294 (2009), effectively overruled *Medina-Villa* is unpersuasive.

In light of our disposition, we need not address whether Rodriguez-Orozco is also removable based on his 1987 conviction for violating Cal. Penal Code § 288(a).

PETITION FOR REVIEW DENIED.