**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| | |
|---|---|
| JUAN DEDIOS CONTRERAS, | No. 07-71309 |
| Petitioner, | Agency No. A095-667-198 |
| v. | MEMORANDUM[*] |
| ERIC H. HOLDER, Jr., Attorney General, | |
| Respondent. | |

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

Submitted February 15, 2011[**]

Before:     CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Juan Dedios Contreras, a native and citizen of Mexico, 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 questions of law.

---

[*]     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).

*Castillo-Cruz v. Holder*, 581 F.3d 1154, 1158-59 (9th Cir. 2009).  We grant in part and deny in part the petition for review.

Subsequent to the agency's decision in this case, we held that indecent exposure as defined by California Penal Code § 314(1) is not categorically a crime involving moral turpitude.  *Nunez v. Holder*, 594 F.3d 1124, 1138 (9th Cir. 2010).  The agency therefore erred in determining on the record before it that Contreras was statutorily ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C).  We grant the petition in part and remand for further proceedings consistent with this opinion.

We deny the petition for review with respect to the agency's denial of Contreras's request for voluntary departure because we lack jurisdiction to review this discretionary determination.  8 U.S.C. § 1229c(f); *Galeana-Mendoza v. Gonzales*, 465 F.3d 1054, 1056 n.5 (9th Cir. 2006).

Each party shall bear its own costs for this petition for review.

**PETITION FOR REVIEW GRANTED in part; DENIED in part; REMANDED.**