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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE CARDENAS-SANCHEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 04-75570

Agency No. A024-295-168

MEMORANDUM*

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.

Jose Cardenas-Sanchez, a native and citizen of Mexico, petitions for review of the 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, *Alvarez-Barajas v. Gonzalez*, 418 F.3d 1050, 1053 (9th Cir. 2005), and we deny the petition for review.

The agency properly concluded that the expanded aggravated felony definition contained in section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”) may be applied retroactively. *See id.* at 1054 (9th Cir. 2005) (IIRIRA’s amendment of the definition of aggravated felony applies to convictions entered “before, on, or after” IIRIRA’s enactment date). Cardenas-Sanchez’s contention that the retroactive classification of his pre-IIRIRA conviction as an aggravated felony violates due process is unpersuasive.

PETITION FOR REVIEW DENIED.