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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GEBREKIDANE DEMELEW LEGESSE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-73461

Agency No. A025-304-668

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.

Gebrekidane Demelew Legesse, a native and citizen of Ethiopia, 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, and we grant the petition for review and remand for further proceedings.

* 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).

The agency determined that petitioner was removable under the aggravated felony ground of deportation, 8 U.S.C. § 1227(a)(2)(A)(iii), based on his July 1, 1988 conviction for violating California Penal Code § 288(a). Subsequent to the agency's decision in this case, we held in *Ledezma-Galicia v. Holder*, Nos. 03-73648, 04-35048, 2010 WL 5174979 (9th Cir. Dec. 22, 2010), that 8 U.S.C. § 1227(a)(2)(A)(iii) does not apply to convictions that occurred prior to November 18, 1988. We therefore grant the petition for review and remand to the agency in light of *Ledezma-Galicia*.

PETITION FOR REVIEW GRANTED; REMANDED.