

APR 28 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAMESTON HOWYN LEE YAW,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-72971

Agency No. A098-174-743

MEMORANDUM\*

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

Submitted April 20, 2011\*\*

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Jameston Howyn Lee Yaw, a native and citizen of Trinidad, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to remand and dismissing his appeal from an immigration judge’s removal order. We review for abuse of discretion the BIA’s denial of a motion to remand. *De Jesus*

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\* 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).*

*Melendez v. Gonzales*, 503 F.3d 1019, 1023 (9th Cir. 2007). We deny the petition for review.

The BIA did not abuse its discretion by declining to remand Lee Yaw's matter to the immigration judge so that Lee Yaw could pursue post-conviction relief. *See Urbina-Mauricio v. INS*, 989 F.2d 1085, 1089 (9th Cir. 1993) (a criminal conviction is final for purposes of immigration review if the alien has exhausted or waived direct appellate review of the conviction, and cannot be collaterally attacked in an immigration proceeding).

Lee Yaw's remaining contentions are unavailing.

**PETITION FOR REVIEW DENIED.**