

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 06 2011

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

GREGORIO REYES SALGADO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73913

Agency No. A037-723-936

MEMORANDUM\*

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

Submitted May 24, 2011\*\*

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

Gregorio Reyes Salgado, 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.

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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).

We review de novo questions of law, *Rendon v. Mukasey*, 520 F.3d 967, 971 (9th Cir. 2008), and we deny the petition for review.

The agency properly concluded that Salgado's conviction for possession of marijuana for sale in violation of California Health & Safety Code § 11359 constitutes an aggravated felony as defined in 8 U.S.C. § 1101(a)(43)(B). *See id.* 975-76 (possession of a controlled substance with the intent to sell contains a trafficking element and is an aggravated felony). Salgado is therefore statutorily ineligible for cancellation of removal. *See* 8 U.S.C. § 1229b(a)(3).

**PETITION FOR REVIEW DENIED.**