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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>EFRAIN MEZA-LARA,</p> <p>Defendant - Appellant.</p>
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No. 10-30225

D.C. No. 2:10-cr-06003-EFS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Edward F. Shea, District Judge, Presiding

Submitted May 24, 2011**

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

Efrain Meza-Lara appeals from his conviction for being an alien in the United States after deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291. We affirm.

Meza-Lara contends that the district court erred in denying his motion to

* 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).

dismiss the indictment because the prior removal alleged in the indictment was the product of a fundamentally unfair deportation proceeding. Meza-Lara argues that the immigration judge incorrectly determined he was ineligible for relief from removal under section 212(c) of the Immigration and Nationality Act.

The district court properly denied the motion to dismiss the indictment because Meza-Lara was ineligible for section 212(c) relief when he plead guilty to an aggravated felony in August 1996. *See United States v. Velasco-Medina*, 305 F.3d 839, 849 (9th Cir. 2002) (“[A]t the time of [defendant’s] guilty plea, [the Antiterrorism and Effective Death Penalty Act] had foreclosed § 212(c) relief for legal permanent residents convicted of aggravated felonies.”).

AFFIRMED.