

NOV 08 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOCIEL PEDROZA PEDROZA-MACIAS,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-71324

Agency No. A098-801-333

MEMORANDUM*

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

Submitted November 8, 2011**

Before: O’SCANNLAIN, TASHIMA, and GRABER, Circuit Judges.

Jociel Pedroza Pedroza-Macias, 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, *Salviejo-Fernandez v. Gonzales*, 455 F.3d 1063, 1066 (9th Cir. 2006), and we deny the petition for review.

Pedroza-Macias' 2008 conviction for violating California Health & Safety Code § 11359 is an aggravated felony under 8 U.S.C. § 1101(a)(43)(B) that renders him removable under 8 U.S.C. § 1227(a)(2)(A)(iii), and ineligible for cancellation of removal under 8 U.S.C. § 1229b(a)(3). *See id.* at 1066 (“A state drug offense is an ‘aggravated felony’ for immigration purposes . . . if it would be punishable as a felony under federal drug laws.”).

PETITION FOR REVIEW DENIED.