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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTIN JIMINEZ-OCHOA, AKA  
Martin Jiminez,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71594

Agency No. A076-337-465

MEMORANDUM\*

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

Argued and Submitted February 17, 2012  
San Francisco, California

Before: HUG, B. FLETCHER, and PAEZ, Circuit Judges.

Martin Jiminez-Ochoa, a native and citizen of Mexico and formerly a legal permanent resident (LPR) of the United States, petitions for review of the decision of the Board of Immigration Appeals (BIA) that Jiminez-Ochoa's conviction under

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Nev. Rev. Stat. §§ 453.554 and 453.566 qualifies as a conviction “relating to a controlled substance” under the Immigration and Nationality Act, and that Jiminez-Ochoa is statutorily ineligible for cancellation of removal.

We agree with the BIA that Jiminez-Ochoa’s Nevada conviction for possession of drug paraphernalia is a conviction “relating to a controlled substance” under 8 U.S.C. § 1227(a)(2)(B)(i), rendering him removable from the United States. *See Luu-Le v. INS*, 224 F.3d 911, 916 (9th Cir. 2000).

We also agree with the BIA that Jiminez-Ochoa is statutorily ineligible for cancellation of removal because he cannot establish seven years of continuous residence after having been admitted in any status. *See* 8 U.S.C. § 1229b(a)(2). Jiminez-Ochoa was “admitted” to the United States on June 26, 2000, when he adjusted to LPR status. He committed the offense that rendered him removable on September 26, 2006. A period of continuous residence ceases to accrue on the date of commission of a removable offense. 8 U.S.C. § 1229b(d)(1). Therefore, Jiminez-Ochoa only accrued continuous residence for a period of six years and three months, nine months shy of the requisite seven years.

**DENIED.**