

JUL 05 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|---|
| <p>MATEO AUSTREBERTO SALAZAR-FUENTES, a.k.a. Mateo Austreberto Salazar,</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. 07-73010

Agency No. A075-169-404

MEMORANDUM*

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

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Mateo Austreberto Salazar-Fuentes, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s removal order. We have jurisdiction under

* 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).

8 U.S.C. § 1252. We grant the petition for review and remand for further proceedings.

In concluding that Salazar-Fuentes's conviction under California Vehicle Code § 10851(a) was an aggravated felony theft offense, the BIA did not have the benefit of our decisions in *United States v. Vidal*, 504 F.3d 1072 (9th Cir. 2007) (en banc), and *Penuliar v. Mukasey*, 528 F.3d 603 (9th Cir. 2008). We therefore remand to the BIA to reevaluate Salazar-Fuentes's removability in light of these intervening decisions.

PETITION FOR REVIEW GRANTED; REMANDED.