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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSELITO OLIVEROS KHOLOMA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-72085

Agency No. A077-346-442

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.

Joselito Oliveros Kholoma, a native and citizen of the Philippines, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Ramirez-Villalpando*

* 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).

v. Holder, 645 F.3d 1035, 1038 (9th Cir. 2011), and we deny the petition for review.

The BIA correctly determined that Kholoma's conviction under California Penal Code § 487(a) constituted an aggravated felony theft offense where the record of conviction established that Kholoma pled guilty to grand theft of personal property. *See id.* at 1040-41 (relying on a complaint and an abstract of judgment, both of which specified that the offense involved personal property, to conclude that the petitioner's conviction under § 487(a) qualified as a theft offense). Kholoma is therefore removable as an aggravated felon, *see* 8 U.S.C. § 1227(a)(2)(A)(iii), and statutorily ineligible for cancellation of removal, *see* 8 U.S.C. § 1229b(a)(3).

We do not address Kholoma's contention that he is not removable under 8 U.S.C. § 1227(a)(2)(A)(ii) because the BIA only affirmed the IJ's finding of removability under 8 U.S.C. § 1227(a)(2)(A)(iii). *See Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) (review is limited to the grounds relied upon by the BIA).

Kholoma's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.