

OCT 26 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAUDEL REYNOSO-RODRIGUEZ, AKA Raudel Rodriguez-Reynoso,</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. 08-72342

Agency No. A037-426-676

MEMORANDUM*

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

Argued and Submitted February 15, 2011
Pasadena, California

Submission Withdrawn February 23, 2011
Resubmitted October 24, 2012

Before: GOODWIN, KLEINFELD, and GRABER, Circuit Judges.

Petitioner Raudel Reynoso-Rodriguez petitions for review of a BIA order upholding the IJ’s decision that he is ineligible for cancellation of removal because he failed to prove that he did not commit an aggravated felony. We have

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

jurisdiction under 8 U.S.C. § 1252. We reject Petitioner's arguments and deny his petition for review.

We review de novo whether a conviction qualifies as an aggravated felony. Young v. Holder, No. 07–70949, 2012 WL 4074668, at *2 (9th Cir. Sept. 17, 2012) (en banc). Petitioner pleaded guilty to a conjunctively worded criminal information where some of the charged conduct constituted an aggravated felony, and other charged conduct did not. This plea to a charge worded in the conjunctive did not by itself establish that Petitioner committed each of the charged offenses. Id. at *7. But neither did it establish the contrary. Showing that the record is inconclusive does not meet Petitioner's burden to prove that he was not convicted of an aggravated felony. Id. at *9-10. Petitioner has failed to prove his eligibility for cancellation of removal, so we deny his petition for review.

DENIED.