

JAN 16 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PORNCHA SUVANASARN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-76675

Agency No. A022-450-982

MEMORANDUM*

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

Submitted January 15, 2013**

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Porncha Suvanarn, a native and citizen of Thailand, 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, *Ramirez-Villalpando v. Holder*, 645 F.3d 1035, 1038 (9th Cir. 2011), and we deny the petition for review.

The agency correctly determined that Suvanasarn's conviction for grand theft under California Penal Code § 487(a) constitutes an aggravated felony theft offense because the record of conviction establishes that Suvanasarn pled guilty to grand theft of personal property. *See id.* at 1040-41 (using an abstract of judgment in combination with the charging document to establish that a conviction was for a removable offense).

Suvanasarn's contention that his conviction cannot constitute an aggravated felony theft offense because he may have been convicted as an aider and abettor is foreclosed by *Gonzales v. Duenas-Alvarez*, 549 U.S. 183, 185 (2007) (a theft offense under 8 U.S.C. § 1101(a)(43)(G) for which an alien may be removed includes the crime of aiding and abetting a theft offense).

PETITION FOR REVIEW DENIED.