

FEB 13 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FERNANDO O. PEREYRA-  
SAAVEDRA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72919

Agency No. A046-635-414

MEMORANDUM\*

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

Submitted February 11, 2013\*\*

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Fernando O. Pereyra-Saavedra, a native and citizen of Bolivia, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from the decision of an immigration judge (“IJ”) denying Pereyra-Saavedra’s

---

\* 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).

application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Pagayon v. Holder*, 675 F.3d 1182, 1189 (9th Cir. 2011) (per curiam). We dismiss the petition for review.

We lack jurisdiction to review the agency’s decision to deny Pereyra-Saavedra’s application for cancellation of removal, because his pleadings before the IJ establish that he is an arriving alien who is inadmissible under 8 U.S.C. § 1182(a)(2)(A)(i)(I) due to his theft conviction under California Penal Code § 487(c). *See* 8 U.S.C. §§ 1101(a)(13)(C)(v), 1252(a)(2)(C); *see also Pagayon*, 675 F.3d at 1189 (holding that a petitioner’s pleading-stage admissions and concessions may be sufficient to establish removability). Pereyra-Saavedra does not raise a colorable constitutional claim or question of law sufficient to establish our jurisdiction under 8 U.S.C. § 1252(a)(2)(D). *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 978 (9th Cir. 2009) (“To be colorable in this context . . . , the claim [or question] must have some possible validity.” (internal quotation marks and citation omitted)); *see also Sawyers v. Holder*, 684 F.3d 911, 912 (9th Cir. 2012) (per curiam) (rejecting a petitioner’s imputation argument concerning his parent’s residence).

**PETITION FOR REVIEW DISMISSED.**