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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>RAUL U. CUYUN-ROSALES,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 11-73631

Agency No. A030-440-281

MEMORANDUM\*

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

Submitted March 12, 2013\*\*

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

Raul U. Cuyun-Rosales, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Delgado-Hernandez v. Holder*,

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\* 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).

697 F.3d 1125, 1126 (9th Cir. 2012) (per curiam). We dismiss the petition for review.

We lack jurisdiction to review the agency’s removal order because Cuyun-Rosales’s conviction for kidnapping under California Penal Code § 207(a) categorically constitutes an aggravated-felony crime of violence under 8 U.S.C. § 1101(a)(43)(F) that renders him removable under 8 U.S.C. § 1227(a)(2)(A)(iii). *See* 8 U.S.C. § 1252(a)(2)(C) (eliminating jurisdiction to review removal orders predicated on convictions for aggravated felonies); *see also Delgado-Hernandez*, 697 F.3d at 1133 (“[A]n ordinary kidnapping under [California Penal Code] § 207(a) is a crime of violence because it results in a substantial risk of force.”).

Cuyun-Rosales contends that his offense does not categorically constitute a crime of violence because the statute of conviction is both overbroad and missing an element of the generic definition of kidnapping. Because this court’s case law forecloses Cuyun-Rosales’s contentions, they are not questions of law sufficiently colorable to invoke 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.” (citation omitted)); *see also Delgado-Hernandez*, 697 F.3d at 1127 (“Because [California

Penal Code] § 207(a) is categorically a crime of violence, we need not rely on the modified categorical analysis.”).

**PETITION FOR REVIEW DISMISSED.**