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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NOT FOR PUBLICATION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>JOSE LUIS ELIAS-ZENDEJAS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 12-71082

Agency No. A200-244-571

MEMORANDUM*

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

Submitted July 24, 2013**

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

Jose Luis Elias-Zendejas, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Khan v. Holder*, 584 F.3d

* 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).

773, 776 (9th Cir. 2009). We deny in part and dismiss in part the petition for review.

The BIA properly determined that Elias-Zenedejas' conviction for inflicting corporal injury on the mother of his children, in violation of California Penal Code § 273.5, is a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i) that renders him statutorily ineligible for cancellation of removal. *See* 8 U.S.C. § 1229b(b)(1)(C); *Banuelos-Ayon v. Holder*, 611 F.3d 1080, 1083-86 (9th Cir. 2010); *Vasquez-Hernandez v. Holder*, 590 F.3d 1053, 1056-57 (9th Cir. 2010) (petty offense exception available in removal context does not apply to petitioner's eligibility for cancellation of removal based on his conviction under California Penal Code § 273.5).

We lack jurisdiction to consider Elias-Zendejas' claim that the IJ should have granted him a continuance because he failed to raise that claim before the BIA and thereby failed to exhaust his administrative remedies. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.