

SEP 24 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JORGE URBANO-BARRIGA, AKA
Jorge Barriga, AKA Jorge Urbano,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71090

Agency No. A073-847-699

MEMORANDUM*

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

Submitted September 10, 2013**
San Francisco, California

Before: SCHROEDER and BYBEE, Circuit Judges, and TIMLIN, Senior District
Judge.***

* 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).

*** The Honorable Robert J. Timlin, Senior United States District Judge
for the Central District of California, sitting by designation.

Petitioner Jorge Urbano-Barriga, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an Immigration Judge's decision finding him removable due to a conviction that qualified as an aggravated felony theft offense under 8 U.S.C. § 1101(a)(43)(G). His conviction was for violation of California Penal Code § 496d(a).

This court in *Alvarez-Reynaga v. Holder*, 596 F.3d 534, 536–37 (9th Cir. 2010), held that California Penal Code § 496d(a) categorically qualifies as an aggravated felony. Relying on our previous decision in *Verdugo-Gonzalez v. Holder*, 581 F.3d 1059, 1061–62 (9th Cir. 2009), we observed that California's general receipt of stolen property offense matched the generic theft offense, and concluded that California Penal Code § 496d(a) was an aggravated felony for the same reason. *Alvarez-Reynaga*, 596 F.3d at 536–37. Our decision in *Alvarez-Reynaga* is controlling.

The petition is **DENIED**.