

SEP 27 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE ARTURO ALAS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-73317

Agency No. A075-247-719

MEMORANDUM*

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

September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Jose Arturo Alas, a native and citizen of El Salvador, 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. *Pechenkov v. Holder*, 705 F.3d 444,

* 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).

449 (9th Cir. 2012). We dismiss in part and deny in part the petition for review.

Alas did not challenge the agency's determination that he is removable under 8 U.S.C. § 1227(a)(2)(B)(i) due to his controlled substance violation. Thus our jurisdiction to review the agency's order is limited to constitutional claims and questions of law. *See* 8 U.S.C. § 1252(a)(2)(C). In his opening brief, Alas fails to raise, and therefore has waived, any challenge to the agency's reliance on his concession that the evidence is sufficient to prove his role as a principal in his conviction under California Vehicle Code § 10851(a). *See Rizk v. Holder*, 629 F.3d 1083, 1091 n.3 (9th Cir. 2011). Alas was represented by counsel and raised no ineffective assistance of counsel claim. *See Magallanes-Damian v. INS*, 783 F.2d 931, 934 (9th Cir. 1986) (aliens are generally bound by the conduct of their attorneys, including admissions made by them, absent egregious circumstances). Accordingly, Alas does not raise a colorable constitutional claim or legal question that would restore our jurisdiction under 8 U.S.C. § 1252(a)(2)(D).

In light of our disposition, we do not reach Alas's remaining claims.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.