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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ISMAEL MENDOSA-HERNANDEZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 12-71594 Agency No. A091-009-873 MEMORANDUM*

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

Submitted October 15, 2013**

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

Ismael Mendosa-Hernandez, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals ("BIA") dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We

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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).

review de novo questions of law. *Banuelos-Ayon v. Holder*, 611 F.3d 1080, 1082 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

The BIA correctly concluded that each of Mendosa-Hernandez's 2007 and 2010 convictions under California Penal Code § 273.5(a), which resulted in 5- and 3-year prison sentences, respectively, constitutes an aggravated-felony crime of violence under 8 U.S.C. § 1101(a)(43)(F) that renders him statutorily ineligible to seek cancellation of removal. *See* 8 U.S.C. § 1229b(a)(3); *see also Banuelos-Ayon*, 611 F.3d at 1083 ("[A] conviction under California Penal Code § 273.5(a) is categorically a crime of violence . . . .").

We must reject Mendosa-Hernandez's challenge to this court's decision in *Banuelos-Ayon*. *See Aragyan v. Holder*, 646 F.3d 672, 677 (9th Cir. 2011) ("A three-judge panel [generally] cannot reconsider or overrule circuit precedent . . . ."); *see also BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 577 (1996) ("[O]nly state courts may authoritatively construe state statutes.").

PETITION FOR REVIEW DENIED in part; DISMISSED in part.