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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CESAR MARROQUIN-IBARRA, Petitioner, v. **ERIC H. HOLDER, Jr., Attorney General,** Respondent.	No. 10-72178 Agency No. A092-248-316 **MEMORANDUM**[*]

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

Submitted March 3, 2014[**]
Pasadena, California

Before: **KOZINSKI,** Chief Judge, **GRABER,** Circuit Judge, and **ZOUHARY,** District Judge.[***]

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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).

[***] The Honorable Jack Zouhary, District Judge for the U.S. District Court for the Northern District of Ohio, sitting by designation.

1. The Board of Immigration Appeals (BIA) didn't err in examining the criminal complaint and the abstract of judgment to determine that Marroquin-Ibarra had been convicted of elder abuse with a dangerous weapon. See 8 U.S.C. § 1229a(c)(3)(B); Taylor v. United States, 495 U.S. 575, 602 (1990); see also Cal. Penal Code §§ 368(b)(1), 12022(b)(1). Marroquin-Ibarra's claim that he didn't use a dangerous weapon is an impermissible collateral attack on his state court conviction. See Ramirez-Villalpando v. Holder, 645 F.3d 1035, 1041 (9th Cir. 2011).

2. The BIA didn't err in adopting the immigration judge's determination that elder abuse with a dangerous weapon is a crime of violence because the crime presents a "substantial risk that physical force . . . may be used" against another person. 18 U.S.C. § 16(b); see also 8 U.S.C. § 1101(a)(43)(F). Marroquin-Ibarra's argument that he lacked intent is belied by the fact that a conviction for elder abuse requires a finding that the defendant "willfully cause[d] or permit[ted] any elder . . . to suffer." Cal. Penal Code § 368(b)(1).

DENIED.