

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 29 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SANTOS ANIBAL RAMIREZ
PORTILLO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70375

Agency No. A094-320-908

MEMORANDUM*

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

Submitted July 22, 2014**

Before: GOODWIN, CANBY, and CALLAHAN, Circuit Judges.

Santos Anibal Ramirez Portillo, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for

* 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).

protection under the Convention Against Torture . We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

In his Notice of Appeal, among other things, Ramirez Portillo argued the evidence did not support the IJ's finding that Ramirez Portillo conceded he was subject to removal as charged. In denying his appeal, the BIA erred by not addressing this argument. *See Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir. 2005) (the BIA is "not free to ignore arguments raised by a petitioner"). Thus, we grant the petition for review and remand the case for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam). In light of this remand, we do not reach Ramirez Portillo's remaining contentions at this time.

PETITION FOR REVIEW GRANTED; REMANDED.