

MAR 02 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BRUNO VILLAREAL-GARCIA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-70941

Agency No. A036-012-215

MEMORANDUM\*

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

Submitted February 9, 2015\*\*  
Pasadena, California

Before: KOZINSKI, CHRISTEN, and HURWITZ, Circuit Judges.

The Board of Immigration Appeals (BIA) determined that Bruno Villareal-Garcia was statutorily ineligible for discretionary relief.<sup>1</sup> Villareal petitions 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).

<sup>1</sup> The parties are familiar with the facts, so we do not recount them.

review. We have jurisdiction to review legal questions under 8 U.S.C. § 1252(a)(2)(D), and we deny the petition.

1. The BIA found that Villareal served a five-year sentence for his attempted murder conviction. Substantial evidence supports that finding. Villareal was therefore statutorily ineligible for discretionary relief under 8 U.S.C. § 1182(c)(1992), which excludes “an alien who has been convicted of one or more aggravated felonies and has served for such felony or felonies a term of imprisonment of at least 5 years.”

2. Villareal is also statutorily ineligible for discretionary relief under 8 U.S.C. § 1182(h). The provision precludes relief when the individual has been convicted of attempted murder, or of any other aggravated felony, regardless of when the conviction took place. 8 U.S.C. § 1182(h); Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103-416, § 203, 108 Stat. 4311, 4318.

3. Villareal is statutorily ineligible for suspension of deportation under 8 U.S.C. § 1254(a)(2)(1996). His 1992 aggravated felony conviction barred him from making the required showing of good moral character. 8 U.S.C. § 1254(a)(2)(1996); 8 U.S.C. § 1101(f)(8); *Lopez-Castellano v. Gonzales*, 437 F.3d

848, 851 (9th Cir. 2006) (observing that § 1101(f)(8) applies to convictions entered on or after November 29, 1990).

Petition **DENIED**.