

APR 16 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADRIAN DEJESUS TOSCANO REYES,  
AKA Jesus Adrian Reyes,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72246

Agency No. A095-808-646

MEMORANDUM\*

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

Submitted January 21, 2015\*\*

Before: CANBY, GOULD, and N.R. SMITH, Circuit Judges.

On January 29, 2015, the court granted the government's unopposed motion to hold proceedings in abeyance. On April 2, 2015, the government informed the court that Adrian Dejesus Toscano Reyes, a native and citizen of Mexico, is not a

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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).

candidate for prosecutorial discretion, and requested that this case move forward. The abeyance is hereby lifted.

Toscano Reyes petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252. We deny the petition for review.

Toscano Reyes conceded before the agency that he was removable under 8 U.S.C. § 1182(a)(6)(A)(i) as an alien present without being admitted or paroled, and he does not challenge removability on that ground. Because he is removable on this ground and does not contend that he is eligible for any form of relief from removal, we need not reach his contentions regarding his second ground of removability. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.” (citation and quotation marks omitted)); *Rizk v. Holder*, 629 F.3d 1083, 1091 n.3 (9th Cir. 2011) (a petitioner waives an issue by failing to raise it in his or her opening brief).

We grant the motions to withdraw as counsel of record filed by Elsa I. Martinez.

**PETITION FOR REVIEW DENIED.**