

SEP 02 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARVIN ALEXANDER RUANO-
CASTILLO, AKA Marvin Ruano,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-73641

Agency No. A090-128-448

MEMORANDUM*

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

Submitted August 25, 2015**

Before: McKEOWN, CLIFTON, and HURWITZ, Circuit Judges.

Marvin Alexander Ruano-Castillo, a native and citizen of Guatemala, petitions for review of the Board of Immigrations Appeals' order dismissing his appeal from an immigration judge's decision pretermining his application for cancellation of removal, and denying his applications for withholding of removal

* 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).

and protection under the Convention Against Torture (“CAT”). We dismiss the petition for review.

We lack jurisdiction to consider Ruano-Castillo’s sole contention, that a conviction under California Penal Code § 496(a) does not categorically fall within the definition of an aggravated felony theft offense because § 496(a) includes receiving property that has been obtained through extortion, because Ruano-Castillo failed to exhaust this contention before the agency. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (the court lacks jurisdiction to consider legal claims not presented in an alien’s administrative proceedings).

PETITION FOR REVIEW DISMISSED.