

OCT 22 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MISAEEL VENCES MAYA, AKA Misael
Maya, AKA Leonel Morales Carmona,
AKA Misael Quintero,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73496

Agency No. A077-287-810

MEMORANDUM*

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

Submitted October 14, 2015**

Before: SILVERMAN, BYBEE and WATFORD, Circuit Judges.

Misael Vences Maya, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision finding him removable and denying his

* 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).

application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We grant the petition for review and remand.

When the BIA concluded that Vences Maya is removable due to a controlled substance conviction, it did not have the benefit of this court's opinion in *Medina-Lara v. Holder*, 771 F.3d 1106 (9th Cir. 2014) (examining record of conviction). We remand for the BIA to reconsider Vences Maya's removability in light of this intervening opinion.

In light of this disposition, we do not reach Vences Maya's remaining contentions.

We do not consider the extra-record materials that Vences Maya submitted with his briefs. *See* 8 U.S.C. § 1252(b)(4)(A) (the court's review is limited to the administrative record); *Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc) (new evidence may be added to the record through a motion to reopen with the agency).

We grant Vences Maya's motion for leave to file a supplemental brief.

PETITION FOR REVIEW GRANTED; REMANDED.