

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LUIS ALBERTO MORALES-MUNOZ,</p> <p>Petitioner,</p> <p>v.</p> <p>LORETTA E. LYNCH, Attorney General,</p> <p>Respondent.</p>

No. 12-70589

Agency No. A099-745-216

MEMORANDUM*

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

Submitted November 16, 2015**
San Francisco, California

Before: THOMAS, Chief Judge and IKUTA and HURWITZ, Circuit Judges.

Luis Morales-Munoz, a native and citizen of Mexico, 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 cancellation 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).

In his petition for review, Morales-Munoz contests the IJ's determination that he was statutorily ineligible for cancellation of removal because of his prior conviction for possession of drug paraphernalia under Arizona Revised Statutes § 13-3415. However, Morales-Munoz did not present this argument to the BIA and the BIA expressly held that he had waived the argument by failing to raise it in his appellate brief to the BIA. Because Morales-Munoz did not administratively exhaust the only issue he raises in his petition for review, we lack jurisdiction to consider it. *See Sola v. Holder*, 720 F.3d 1134, 1135 (9th Cir. 2013) (holding that a "petitioner's failure to raise an issue before the BIA generally constitutes a failure to exhaust, thus depriving this court of jurisdiction to consider the issue").

PETITION DISMISSED.