

FEB 24 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS LUNA-GARCIA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 11-73092

Agency No. A072-254-731

MEMORANDUM\*

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

Submitted February 24, 2016\*\*  
Pasadena, California

Before: GRABER and WATFORD, Circuit Judges, and TUNHEIM,\*\*\* Chief  
District Judge.

Carlos Luna-Garcia petitions for review of the Board of Immigration  
Appeals' (BIA) order dismissing his appeal from the immigration judge's (IJ)

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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).

\*\*\* The Honorable John R. Tunheim, Chief District Judge for the U.S.  
District Court for the District of Minnesota, sitting by designation.

denial of his application for cancellation of removal. We dismiss Luna-Garcia's petition.

We lack jurisdiction to decide whether Luna-Garcia is eligible for cancellation of removal. Luna-Garcia contends that the IJ's decision is erroneous because (1) his 1998 conviction under California Penal Code § 273.5 is not a "crime of domestic violence" under 8 U.S.C. § 1227(a)(2)(E)(i), and (2) his 1998 conviction under California Health and Safety Code § 11383(c)(1) is not an "aggravated felony" under 8 U.S.C. §§ 1101(a)(43)(B), 1227(a)(2)(A)(iii), 1229b(a)(3). He did not, however, raise these arguments before the BIA. His claims are therefore unexhausted and fall outside our jurisdiction to review. *See* 8 U.S.C. § 1252(d)(1); *Barron v. Ashcroft*, 358 F.3d 674, 677–78 (9th Cir. 2004).

**PETITION DISMISSED.**