

JUN 20 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANUEL NAVAR-DIAZ, AKA Manuel
Diaz, AKA Manuel DeJesus Diaz, AKA
Manuel Navardiaz, AKA Manuel DeJesus
Navardiaz, AKA Manuel Dejesus
Vavardiaz,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72636

Agency No. A092-837-484

MEMORANDUM*

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

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Manuel Navar-Diaz, a native and citizen of Mexico, petitions for review of
the Board of Immigration Appeals' order dismissing his appeal from an

* 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).

immigration judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

The agency determined that Navar-Diaz's theft conviction under California Penal Code § 487(a) was an aggravated felony theft offense under 8 U.S.C. § 1101(a)(43)(G) that rendered him removable. At the time it decided this case, the agency did not have the benefit of this court's decision in *Lopez-Valencia v. Lynch*, 798 F.3d 863, 871 (9th Cir. 2015), concluding that "California's theft statute is both overbroad and indivisible . . . and a conviction under it can never be a 'theft offense' as defined in 8 U.S.C. § 1101(a)(43)(G)." Because Navar-Diaz is no longer removable on this ground, we grant the petition for review, and remand.

In light of this disposition, we need not reach Navar-Diaz's remaining contentions regarding due process or his request for a continuance.

PETITION FOR REVIEW GRANTED; REMANDED.