

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 21 2016

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

SERGIO PEREZ HERNANDEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-73155

Agency No. A077-332-232

MEMORANDUM\*

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

Submitted September 13, 2016\*\*

Before: HAWKINS, N.R. SMITH, and HURWITZ, Circuit Judges.

Sergio Perez Hernandez, 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 removal order. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Perez Hernandez submitted with his BIA appeal brief a police report corroborating his immigration court testimony that he was the victim of a domestic violence incident. Based on the BIA's statement in footnote three of its decision, the BIA ignored the police report and appears to mistakenly believe Perez Hernandez was convicted in the incident. Accordingly, we remand for the BIA to consider this evidence in the first instance. *See Singh v. Gonzales*, 494 F.3d 1170, 1172 (9th Cir. 2007) ("The BIA is obligated to consider and address in its entirety the evidence submitted by a petitioner, and where its failure to do so could have affected its decision, remand is appropriate." (internal quotation marks and citation omitted)).

**PETITION FOR REVIEW GRANTED; REMANDED.**