

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 20 2017

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

BALDEMAR GONZALEZ-
VENUSTIANO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 12-73975

Agency No. A095-805-744

MEMORANDUM*

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

Submitted November 15, 2017**

Before: CANBY, TROTT, and GRABER, Circuit Judges.

Baldemar Gonzalez-Venustiano, 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 decision preterminating his application for cancellation

* 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).

of removal. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

The BIA did not have the benefit of *Lozano-Arredondo v. Sessions*, 866 F.3d 1082 (9th Cir. 2017), which set aside the BIA's interpretation of 8 U.S.C. § 1229b(b)(1)(C) in *Matter of Cortez Canales*, 25 I. & N. Dec. 301 (BIA 2010), when it pretermitted cancellation of removal. Thus, we remand the petition for review for further proceedings consistent with that disposition.

We do not reach the government's contentions regarding Gonzalez-Venustiano's alleged ineligibility for cancellation of removal under *Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649 (9th Cir. 2004). *See Navas v. INS*, 217 F.3d 646, 658 n.16 (9th Cir. 2000).

PETITION FOR REVIEW GRANTED; REMANDED.