

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2017

FOR THE NINTH CIRCUIT

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

ERICK OSWALDO ALVAREZ ARIAS,  
Erick O. Alvarez, AKA Erick Oswaldo  
Alvarez,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

No. 15-73038

Agency No. A043-279-804

MEMORANDUM\*

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

Submitted December 18, 2017\*\*

Before: WALLACE, SILVERMAN, and BYBEE, Circuit Judges

Erick Oswaldo Alvarez Arias, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying cancellation of removal, asylum, and

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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).

withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo whether an offense qualifies as an aggravated felony. *Carlos-Blaza v. Holder*, 611 F.3d 583, 587 (9th Cir. 2010). We deny the petition for review.

Alvarez Arias' conviction for possession of marijuana for sale under California Health and Safety Code § 11359 is categorically an aggravated felony under 8 U.S.C. § 1101(a)(43)(B). *See Roman-Suaste v. Holder*, 766 F.3d 1035, 1039 (9th Cir. 2014) (holding conviction under statute to be a categorical aggravated felony after considering *Moncrieffe v. Holder*, 569 US 184 (2013)). Accordingly, the agency did not err in finding him ineligible for cancellation of removal and asylum. *See* 8 U.S.C. §§ 1158(b)(2)(A)(ii), (b)(2)(B)(i); 1229b(a).

**PETITION FOR REVIEW DENIED.**