

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 20 2018

FOR THE NINTH CIRCUIT

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

DELGARDO ANTONIO FRAZER, AKA
Delgardo A. Frazer, AKA Delgardo
Anthonio Frazer, AKA Richard Napier,
AKA Ricardo Thomas Smith, AKA Richard
Thomas Smith,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-72861

Agency No. A095-287-752

MEMORANDUM*

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

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Delgardo Antonio Frazer, a native and citizen of Jamaica, 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 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).

immigration judge's decision finding him inadmissible and denying his application to adjust status. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence the agency's "reason to believe" determination and we review de novo questions of law. *Chavez-Reyes v. Holder*, 741 F.3d 1, 3 (9th Cir. 2014). We deny the petition for review.

Substantial evidence supports the agency's determination that there was "reason to believe" Frazer had knowingly and consciously been involved in drug trafficking, where Frazer testified that he attempted to purchase more than 400 pounds of marijuana for a friend, and he pleaded guilty to solicitation to possess marijuana for sale under Arizona Revised Statute § 13-1002. *See* 8 U.S.C. § 1182(a)(2)(C)(i) (providing that an alien is inadmissible if there is "reason to believe" that he is or has been an "illicit trafficker in any controlled substance"); *Chavez-Reyes*, 741 F.3d at 2-3 (no conviction is required for the agency to have "reason to believe" an applicant engaged or assisted in illicit trafficking of drugs). Accordingly, the agency properly determined Frazer was statutorily ineligible for adjustment of status.

PETITION FOR REVIEW DENIED.