

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2018

FOR THE NINTH CIRCUIT

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

LUIS ANGEL LOPEZ GOMEZ,

No. 16-73181

Petitioner,

Agency No. A092-081-887

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Luis Angel Lopez Gomez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' decision dismissing his appeal from an immigration judge's ("IJ") removal order denying cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law.

* 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).

Cabantac v. Holder, 736 F.3d 787, 792 (9th Cir. 2013). We deny the petition for review.

The agency correctly concluded that Lopez Gomez is removable and ineligible for cancellation of removal due to his conviction for an aggravated felony, where the minute order read in conjunction with the complaint shows his conviction for possession for sale of a controlled substance under California Health and Safety Code § 11351 involved cocaine. *See* 8 U.S.C. §§ 1101(a)(43)(B), 1227(a)(2)(A)(iii), 1229b(a)(3); *Cabantac*, 736 F.3d at 793-94 (“[W]here, as here, the . . . minute order specifies that a defendant pleaded guilty to a particular count of the criminal complaint or indictment, we can consider the facts alleged in that count.”); *United States v. Torre-Jimenez*, 771 F.3d 1163, 1169 (9th Cir. 2014) (the phrase “as charged in the Information (or Indictment)” is not necessary where the documents are unambiguous; finding that an abstract of judgment that stated defendant was convicted of count 1, and count 1 on the complaint specified the substance involved was cocaine, was sufficient to establish the substance involved).

PETITION FOR REVIEW DENIED.