

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 23 2019

FOR THE NINTH CIRCUIT

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

EUGENE ROMERO CALMA, AKA
Eugene Calama, AKA Edison Romero
Calma, AKA Edison Romero,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 15-70020

Agency No. A047-511-604

MEMORANDUM*

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

Submitted April 17, 2019**

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

Eugene Romero Calma, a native and citizen of the Philippines, 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.

* 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).

§ 1252. We review de novo questions of law. *Padilla-Martinez v. Holder*, 770 F.3d 825, 830 (9th Cir. 2014). We grant the petition for review.

The agency ordered Calma removed for having committed an aggravated felony crime of violence as described in 18 U.S.C. § 16(b). However, the BIA did not have the benefit of the Supreme Court’s decision in *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018), holding that the definition of “crime of violence” at 18 U.S.C. § 16(b) is impermissibly vague. Accordingly, we remand to the BIA to consider Calma’s removability in light of *Dimaya*.

In light of this disposition, we do not address Calma’s remaining contentions regarding the length of his term of imprisonment.

PETITION FOR REVIEW GRANTED; REMANDED.