

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 16 2019

FOR THE NINTH CIRCUIT

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

FRANCISCO VICTOR ARREDONDO,
AKA Francisco Arredondo,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 13-73424

Agency No. A205-719-008

MEMORANDUM*

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

Submitted December 11, 2019**

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

Francisco Victor Arredondo, 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 denying cancellation of removal. Our jurisdiction is governed by 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 in part and dismiss in part the petition for review.

The agency did not err in determining Arredondo is ineligible for cancellation of removal, where the record shows the state court entered a formal judgement of guilt against him for an offense relating to a controlled substance. *See* 8 U.S.C. § 1101(a)(43)(A) (“The term ‘conviction’ means, with respect to an alien, a formal judgment of guilt of the alien entered by a court. . .”); 8 U.S.C. § 1229b(b)(1)(C) (making ineligible for cancellation of removal anyone who has been convicted of an offense under 8 U.S.C. § 1182(a)(2)); 8 U.S.C. § 1182(a)(2)(A)(i)(II) (describing aliens convicted of any law relating to a controlled substance).

We lack jurisdiction to review Arredondo’s unexhausted contention that the agency should be estopped from using his conviction to deny relief from removal. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (“We lack jurisdiction to review legal claims not presented in an alien’s administrative proceedings before the BIA.”).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.