

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 22 2021

FOR THE NINTH CIRCUIT

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

MIGUEL ARMANDO SIERRA-JACOBO,
AKA Miguel Armando Sierra,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 19-71293

Agency No. A073-433-960

MEMORANDUM*

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

Submitted April 20, 2021**

Before: THOMAS, Chief Judge, TASHIMA and SILVERMAN, Circuit Judges.

Miguel Armando Sierra-Jacobo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from immigration judge's decision denying his motion to terminate and ordering his removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

* 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).

questions of law. *Padilla-Martinez v. Holder*, 770 F.3d 825, 830 (9th Cir. 2014).

We grant the petition for review and remand.

In *Cortes-Maldonado v. Barr*, 978 F.3d 643, 653 (9th Cir. 2020), we held “‘that illicit trafficking’ does not include solicitation offenses and thus Oregon’s former crime of marijuana delivery for consideration, Or. Rev. Stat § 475.860(2)(a), does not qualify as an aggravated felony under [8 U.S.C.] § 1101(a)(43)(B).” We therefore grant the petition for review and remand for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

Sierra-Jacobo’s removal is stayed pending a decision by the BIA.

The government must bear the costs for this petition for review.

PETITION FOR REVIEW GRANTED; REMANDED.