

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 14 2021

FOR THE NINTH CIRCUIT

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

SERGIO RODRIGUEZ-SOSA,

No. 15-72687

Petitioner,

Agency No. A076-374-216

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted October 12, 2021**

Before: TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

Sergio Rodriguez-Sosa, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for 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).

Coronado v. Holder, 759 F.3d 977, 982 (9th Cir. 2014). We deny the petition for review.

The agency did not err in concluding that Rodriguez-Sosa failed to establish that his 2002 and 2004 drug offense convictions were not controlled substance violations that render him ineligible for cancellation of removal. *See* 8 U.S.C. §§ 1229b(b), 1182(a)(2)(A)(i)(II); *Pereida v. Wilkinson*, 141 S.Ct. 754, 766 (2021) (an inconclusive conviction record is insufficient to meet applicant's burden of proof to show eligibility for relief). Thus, Rodriguez-Sosa's cancellation of removal claim fails.

We decline Rodriguez-Sosa's request for remand to present further evidence, particularly where he does not identify what evidence he intends to submit on remand or explain how it would establish that his convictions were not controlled substance violations that render him ineligible for cancellation of removal. *Cf. Pereida*, 141 S.Ct. at 766.

Rodriguez-Sosa's motion to file late petition for review (Docket Entry No. 2) is granted.

The temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DENIED.