

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 8 2023

FOR THE NINTH CIRCUIT

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

JUAN PEREZ-SERNA,

No. 18-71357

Petitioner,

Agency No. A205-671-964

v.

MEMORANDUM*

MERRICK GARLAND,
Attorney General,

Respondent.

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

Submitted February 6, 2023**
Portland, Oregon

Before: M. SMITH, FORREST, and SUNG, Circuit Judges.

Petitioner Juan Perez-Serna challenges the Board of Immigration Appeals' (BIA) dismissal of his appeal from the Immigration Judge's denial of his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

* 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).

We review de novo the BIA's denial of cancellation of removal based on Perez-Serna's judgment of contempt for violating a restraining order issued against him under Oregon's Family Abuse Prevention Act (FAPA), Or. Rev. Stat. §§ 107.700–107.735. *See Diaz-Quirazco v. Barr*, 931 F.3d 830, 838 (9th Cir. 2019). Our decision in *Diaz-Quirazco* forecloses Perez-Serna's application for cancellation of removal because there we held that a judgment of contempt for violating a FAPA restraining order is an offense under 8 U.S.C. § 1227(a)(2) that renders a petitioner statutorily ineligible for cancellation of removal. *Id.* at 846; 8 U.S.C. § 1229b(b)(1)(C).

PETITION DENIED.