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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARCELO BAUTISTA-MERAZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-940

Agency No. A208-924-451

MEMORANDUM*

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

Submitted September 28, 2023**
San Francisco, California

Before: W. FLETCHER, NGUYEN, and R. NELSON, Circuit Judges.

Petitioner Marcelo Bautista-Meraz (“Bautista-Meraz” or “Petitioner”) seeks judicial review of his final order of removal issued by the Board of Immigration Appeals (“BIA”). The BIA affirmed the immigration judge’s (“IJ”) decision

* 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).

holding that Bautista-Meraz's conviction for concealing the occurrence of an event that affected a person's right to insurance benefits under Cal. Penal Code § 550(b)(3) constitutes a crime involving moral turpitude ("CIMT") or an aggravated felony offense involving fraud or deceit that resulted in a loss to the victim exceeding \$10,000. Accordingly, the BIA held that Bautista-Meraz was statutorily ineligible for cancellation of removal under 8 U.S.C. § 1182. The BIA also denied the Petitioner's motion to remand the case to allow the IJ to consider administrative closure.

We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, including whether the Petitioner's conviction under a state criminal statute qualifies as a CIMT or an aggravated felony. *See Jauregui-Cardenas v. Barr*, 946 F.3d 1116, 1118 (9th Cir. 2020). We deny the petition.

Petitioner is a native and citizen of Mexico, who entered the United States in 2004. Petitioner lives with his wife and his three children, all of whom are U.S. citizens. On February 25, 2016, Bautista-Meraz pleaded guilty to concealing the occurrence of an event that affected a person's right to insurance benefits in violation of Cal. Penal Code § 550(b)(3).

Under established California law, § 550(b)(3) necessarily includes a specific intent to commit a fraud. *People v. Blick*, 153 Cal. App. 4th 759, 772 (Cal. Ct.

App. 2007); *see also People v. Kurtenbach*, 204 Cal. App. 4th 1264, 1283 (Cal. Ct. App. 2012). If the full range of conduct encompassed by the statute constitutes a CIMT, the conviction qualifies as a CIMT. *Barbosa v. Barr*, 926 F.3d 1053, 1057-58 (9th Cir. 2019). Since fraud offenses are CIMTs, *see Jordan v. De George*, 341 U.S. 223, 227 (1951), § 550(b)(3) is categorically a CIMT. Petitioner is thus ineligible for cancellation of removal.

PETITION DENIED.