



NEWS RELEASE

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Court of Appeals Schedules Special Sitting at the University of Hawaii

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will hear oral arguments next week at two locations in Honolulu, Hawaii.

The court is scheduled to sit October 15-17 at its regular venue at 1132 Bishop Street. Oral arguments will begin at 9 a.m. in Courtroom Suite 250L. A photo ID may be required for access into courtroom. A special sitting is scheduled for October 18 at the University of Hawaii at Manoa, William S. Richardson School of Law. Oral arguments will begin at 9:30 a.m. in the law school's Moot Courtroom, 2515 Dole St.

A three-judge panel consisting of Circuit Judges Stephen Reinhardt of Los Angeles, Sidney R. Thomas of Billings, Montana, and Richard A. Paez of Pasadena, California, will hear appeals of decisions by the U.S. district courts for Hawaii and Guam. Cases on the docket are:

- *Hernandez v. Holder*, in which Clarence Agcaoili Hernandez, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an immigration judge's decision finding him removable and ineligible for relief. The BIA found that Hernandez' conviction for burglary, in violation of Hawaii Revised Statute, constituted an aggravated felony. The BIA also found that he was not entitled to derivative citizenship through his mother and affirmed the immigration judge's denial of his request for a continuance. Case 09-73088
- *Huynh v. Holder*, in which Quoc Bao Huynh, a native and citizen of Vietnam and lawful permanent resident, petitions for review of the BIA's dismissal of his appeal of an immigration judge's decision denying his applications for a waiver of inadmissibility and cancellation of removal under the Immigration and Nationality Act. The BIA found that his 1995 conviction for attempted first degree burglary in California constituted an aggravated

felony which rendered him ineligible for a waiver or cancellation. The BIA noted that Huynh did not dispute that his 1995 conviction constituted an aggravated felony under the current language of the INA. The BIA also found that the INA relief would not waive his inadmissibility based on his 2001 conviction for first degree burglary in Hawaii. Case 10-73817

- *Chen v. Holder*, in which Aihua Chen, a native and citizen of China, petitions for review of a decision of the BIA decision affirming an immigration judge's denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture. Chen asserted past persecution and fear of future persecution on account of his resistance to China's family planning policies. He testified that his wife underwent forced abortion and forced insertion of an intrauterine device. Chen also asserted they were mistreated and threatened with forced sterilization after they fostered an abandoned baby girl. The BIA affirmed the immigration judge's determination that Chen failed to establish that he otherwise resisted China's family planning policies, and that even if he did establish resistance, the harm he suffered did not rise to the level of persecution, and his fear of forced sterilization is not objectively reasonable. Case 10-71588
- *United States v. Paulino*, in which Eddie Paulino appeals his jury conviction and sentence for attempted possession of methamphetamine hydrochloride with intent to distribute. Case 11-10505

The Ninth Circuit Court of Appeals hears appeals of cases decided by executive branch agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco and Pasadena, California; every other month in Portland, Oregon; three times per year in Honolulu, Hawaii; and twice a year in Anchorage, Alaska. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

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