

MAR 28 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE MARTIN LIMON-ROBLES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-71175

Agency No. A035-825-304

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O'SCANNLAIN and BYBEE, Circuit Judges.

Jose Martin Limon-Robles, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252, and we grant the petition for review and remand for further proceedings.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The agency determined that Limon-Robles was removable under the aggravated felony ground of deportation, 8 U.S.C. § 1227(a)(2)(A)(iii), based on his 1987 conviction for violating Arizona Revised Statutes §§ 13-1405, 1401, 3821, 1001, 604.01, 702, 801 and 812. Subsequent to the agency's decision in this case, we held in *Ledezma-Galicia v. Holder*, Nos. 03-73648, 04-35048, 2010 WL 5174979 (9th Cir. Dec. 22, 2010), that 8 U.S.C. § 1227(a)(2)(A)(iii) does not apply to convictions that occurred prior to November 18, 1988. We therefore grant the petition for review and remand to the agency in light of *Ledezma-Galicia*.

In light of our disposition, we need not address Limon-Robles' remaining contentions.

PETITION FOR REVIEW GRANTED; REMANDED.

BYBEE, Circuit Judge, concurring in the judgement:

I reluctantly concur in the judgment. I continue to believe that *Ledezma-Galicia* was wrongly decided. *See Ledezma-Galicia v. Holder*, ____ F.3d ____ (9th Cir. Dec. 22, 2010) (Bybee, J., dissenting).