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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NOT FOR PUBLICATION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

ARTURO CORNEJO NORIANUEVA,

Petitioner,

v.

ERIC H. HOLDER JR., Attorney General,

Respondent,

No. 08-71385

Agency No. A095-689-986

MEMORANDUM*

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

Argued and Submitted October 6, 2010
San Francisco, California

Before: BEEZER, KLEINFELD, and GRABER, Circuit Judges.

We review the order of the Board of Immigration Appeals determining that Arturo Cornejo Norianueva is statutorily ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(B) and (C). Cornejo, an undocumented alien, signed a plea agreement in 2004 pleading guilty to knowing possession of a firearm by an

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

illegal alien in violation of 18 U.S.C. § 922(g)(5). The Board concluded that Cornejo's 2004 conviction was (1) an aggravated felony and (2) a firearms offense, rendering Cornejo statutorily ineligible for cancellation of removal. 8 U.S.C. §§ 1229b(b)(1)(B) & (C); 1101(f)(8); 1227(a)(2).

Cornejo is statutorily ineligible for cancellation of removal because he has not been a person of "good moral character" during the 10 years immediately preceding his application. 8 U.S.C. § 1229b(1)(B). A person shall not be found to have good moral character if he has at any time been convicted of an aggravated felony. 8 U.S.C. § 1101(f)(8). Cornejo's 2004 conviction under 18 U.S.C. § 922(g)(5) qualifies as an aggravated felony. Under Taylor v. United States, 495 U.S. 575 (1990), if every conviction under the statute of conviction is also a conviction for the purposes of the Immigration and Nationality Act, then the inquiry ends with the fact of conviction, which "perforce qualifies" as the INA offense. Carlos-Blaza v. Holder, 611 F.3d 583, 587 (9th Cir. 2010). The INA includes in its definition of an aggravated felony "an offense described in . . . section 922(g)(1), (2), (3), (4), or (5) . . . of title 18 (relating to firearms offenses)." 8 U.S.C. § 1101(a)(43)(E)(ii). Cornejo was convicted under 18 U.S.C. §

922(g)(5); therefore, he was convicted of an aggravated felony and is statutorily ineligible for cancellation of removal.

We therefore need not reach the alternative argument that Cornejo's conviction is also a firearms offense under the modified categorical approach.

PETITION DENIED.