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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GUMESINDO ARANZAZU-GARCIA,
a.k.a. Gumecindo Aranzuza, a.k.a.
Gumesindo Garcia, a.k.a. Gumesindo
Garcia Aranzuza,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72718

Agency No. A017-264-686

MEMORANDUM*

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

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

* 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).

Gumesindo Aranzazu-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Abebe v. Gonzales*, 432 F.3d 1037, 1040 (9th Cir. 2005) (en banc), and we deny the petition for review.

The IJ properly determined that Aranzazu-Garcia's conviction for violating Cal. Penal Code § 243.4(a), for which he was sentenced to at least one year imprisonment, constituted an aggravated felony under 8 U.S.C. § 1101(a)(43)(F). *See Lisbey v. Gonzales*, 420 F.3d 930, 933-34 (9th Cir. 2005). Aranzazu-Garcia is therefore removable as an aggravated felon, *see* 8 U.S.C. § 1227(a)(2)(A)(iii), and statutorily ineligible for cancellation of removal, *see* 8 U.S.C. § 1229b(a)(3).

In light of our disposition, we need not reach Aranzazu-Garcia's remaining contention.

PETITION FOR REVIEW DENIED.