

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2018

FOR THE NINTH CIRCUIT

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

URIEL AGUIRRE GUILLEN,

No. 16-72887

Petitioner,

Agency No. A087-307-020

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

Uriel Aguirre Guillen, 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 decision denying his application for cancellation of removal.

We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review, and

* 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).

remand.

When the BIA determined that Aguirre Guillen had not established the requisite 10 years of continuous physical presence for cancellation of removal, it did not have the benefit of the Supreme Court's decision in *Pereira v. Sessions*, 138 S. Ct. 2105 (2018), which held that a notice to appear that fails to designate the specific time or place of an alien's removal proceedings does not trigger the stop-time rule ending the alien's accrual of continuous presence. We thus grant the petition for review, and remand to the agency for further proceedings consistent with *Pereira*.

In light of our disposition, we do not reach Aguirre Guillen's other contentions.

PETITION FOR REVIEW GRANTED; REMANDED.