

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 21, 2009

No. 08-60278
Summary Calendar

Charles R. Fulbruge III
Clerk

LYNDON CHRISTOPHER YOUNG, also known as Lyndon Young, also known as Lyndon Griffith

Petitioner

v.

ERIC H HOLDER, JR, U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A35 750 048

Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Lyndon Christopher Young, a citizen of Trinidad and Tobago, petitions for review of an order of the Board of Immigration Appeals (“BIA”). It found him to be ineligible for cancellation of removal because his 2006 New York marijuana possession conviction constituted an aggravated felony for purposes of immigration law. Young contends solely that the BIA erred by treating his

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conviction as equivalent to the federal offense of “recidivist possession.” *See* 21 U.S.C. § 844(a).

We conclude that the BIA correctly determined that Young’s offense constituted an aggravated felony for immigration law purposes. *See Carachuri-Rosendo v. Holder*, 570 F.3d 263, 266-68 (5th Cir. 2009), *petition for cert. filed* (July 15, 2009) (No. 09-60).

PETITION DENIED.