

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

United States Court of Appeals
Fifth Circuit

F I L E D

November 12, 2009

No. 08-60477
Summary Calendar

Charles R. Fulbruge III
Clerk

ARISTIDES LAGUNA-HERNANDEZ, also known as Aristides Hernandez Laguna,

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. A29 134 877

Before WIENER, DeMOSS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Aristides Laguna-Hernandez (Laguna), a native and citizen of Nicaragua, 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 2007 Texas conviction of possession of marijuana constituted an aggravated felony for purposes of immigration law. Laguna contends that the BIA erred by treating

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his 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 Laguna’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.