

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

United States Court of Appeals
Fifth Circuit

FILED

November 17, 2009

Charles R. Fulbruge III
Clerk

No. 08-60762

Summary Calendar

ANSEL ANTHONY KING, also known as Ansel King

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. A034 221 883

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

Ansel Anthony King, 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 under 8 U.S.C. § 1229b(a) because his 2006 New York conviction for possession of a controlled substance constituted an aggravated felony for purposes of immigration law. King contends that the BIA

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

erred by treating 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 King’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).

King also argues that the BIA erred in finding him removable based on his conviction of an aggravated felony. King was charged with being removable, conceded removability, and was found removable based on his conviction for a controlled substance violation under 8 U.S.C. § 1227(a)(2)(B)(i). His removal was not based solely on his conviction of an aggravated felony.

PETITION DENIED.