

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

United States Court of Appeals
Fifth Circuit

FILED

November 19, 2009

Charles R. Fulbruge III
Clerk

No. 09-60181

Summary Calendar

JUAN MANUEL DEAVILA,

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. A91 382 030

Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Juan Manuel DeAvila, a native and citizen of Mexico, 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 2004 and 2006 Texas convictions for possession of methamphetamine constituted an aggravated felony for the purposes of immigration law. DeAvila contends that the BIA erred by treating his conviction as equivalent to the federal offense of “recidivist possession.” *See* 21 U.S.C. § 844(a).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We conclude that the BIA correctly determined that DeAvila's offenses together 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.