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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON RUANO-SANDOVAL,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-71698

Agency No. A035-792-393

MEMORANDUM*

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

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Ramon Ruano-Sandoval, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

novo questions of law, *Castillo-Cruz v. Holder*, 581 F.3d 1154, 1158-59 (9th Cir. 2009), and we deny the petition for review.

The agency properly determined that Ruano-Sandoval is removable as an alien convicted of a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E)(i) based on his 1997 conviction for violating California Penal Code § 273.5(a). *See Banuelos-Ayon v. Holder*, 611 F.3d 1080, 1086 (9th Cir. 2010); *see also Cisneros-Perez v. Gonzales*, 465 F.3d 386, 390 (9th Cir. 2006) (petty offense exception does not apply to crimes of domestic violence).

Because Ruano-Sandoval's 1986 conviction for possession of marijuana for sale in violation of California Health & Safety Code § 11359 constitutes an aggravated felony as defined in 8 U.S.C. § 1101(a)(43)(B), *see Rendon v. Mukasey*, 520 F.3d 967, 975-76 (9th Cir. 2008), the agency did not err in concluding that he was statutorily ineligible for a waiver of inadmissibility under section 212(h) of the Immigration and Nationality Act. *See Becker v. Gonzales*, 473 F.3d 1000, 1004 (9th Cir. 2007); *Alvarez-Barajas v. Gonzales*, 418 F.3d 1050, 1054-55 (9th Cir. 2005)

As these two convictions render Ruano-Sandoval removable and ineligible for relief, we do not reach his remaining contentions.

PETITION FOR REVIEW DENIED.