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NOT FOR PUBLICATION

NOV 02 2010

MOLLY C. DWYER, CLERK U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALFONSO SOLIS NAVARRO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-74973

Agency No. A038-060-229

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Alfonso Solis Navarro, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252.

^{*} 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).

We review de novo questions of law and constitutional claims, *Khan v. Holder*, 584 F.3d 773, 776 (9th Cir. 2009), and we deny the petition for review.

Navarro does not challenge the agency's determination that he is removable under 8 U.S.C. § 1227(a)(2)(A)(iii) based on his conviction for assault with a deadly weapon in violation of Cal. Penal Code § 245(a)(1).

Navarro is ineligible for relief under former section 212(c), 8 U.S.C. § 1182(c) (repealed 1996), because his ground of removability lacks a statutory counterpart in a ground of inadmissibility. *See* 8 C.F.R. § 1212.3(f)(5); *see also Aguilar-Ramos v. Holder*, 594 F.3d 701, 706 (9th Cir. 2010).

Navarro's equal protection challenge to the agency's denial of section 212(c) relief is foreclosed by *Abebe v. Mukasey*, 554 F.3d 1203, 1207 (9th Cir. 2009) (en banc).

Navarro's remaining contention is unpersuasive.

Navarro's pending motion is denied as moot.

PETITION FOR REVIEW DENIED.

2 06-74973