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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MONICA CONSUELO CONSTANTINO
HUIRACHE, a.k.a. Consuelo Constantino
Huirache,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72421

Agency No. A077-305-114

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Monica Consuelo Constantino Huirache, a native and citizen of Mexico,
petitions pro se for review of the Board of Immigration Appeals' order denying her

* 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).

motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand for further proceedings.

The agency concluded that Constantino Huirache was ineligible for cancellation of removal because her conviction under Cal. Penal Code § 273a(b) was categorically a “crime of child abuse” within the meaning of 8 U.S.C. § 1227(a)(2)(E)(i). We subsequently held that a conviction under section 273a(b) is *not* categorically a crime of child abuse. *See Fregozo v. Holder*, 576 F.3d 1030, 1034 (9th Cir. 2009). We therefore remand for application of the modified categorical analysis in light of the definition of “child abuse” set forth in *Matter of Velazquez-Herrera*, 24 I. & N. Dec. 503 (BIA 2008). *See id.* at 1040.

In light of our disposition, we do not reach Constantino Huirache’s remaining contentions.

PETITION FOR REVIEW GRANTED; REMANDED.