

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 10 2015

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

RICARDO IVAN PALOS-MARQUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73799

Agency No. A074-419-643

MEMORANDUM*

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

Submitted March 6, 2015**
Pasadena, California

Before: REINHARDT, N.R. SMITH, and HURWITZ, Circuit Judges.

Ricardo Palos-Marquez petitions for review of a decision by the Board of Immigration Appeals that he is removable because his conviction under 8 U.S.C. § 1324(a)(1)(A)(ii) for knowingly transporting undocumented persons is an aggravated felony under 8 U.S.C. § 1101(a)(43)(N). We dismiss the petition.

* 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).

1. The phrase “relating to alien smuggling” in 8 U.S.C. § 1101(a)(43)(N) is descriptive, rather than limiting, and offenses listed in that provision are categorically aggravated felonies, except for certain first-time offenses involving family members. *See Castro-Espinosa v. Ashcroft*, 257 F.3d 1130, 1131-32 & n.2 (9th Cir. 2001); *United States v. Galindo-Gallegos*, 244 F.3d 728, 733-34 (9th Cir.), *amended on other grounds* by 255 F.3d 1154 (9th Cir. 2001). Section 1324(a)(1)(A)(ii) is listed in § 1101(a)(43)(N). Palos-Marquez’s conviction was not for a first-time offense involving a family member, and he therefore was convicted of an aggravated felony.

2. Because Palos-Marquez was convicted of an aggravated felony, we lack jurisdiction over this petition for review. 8 U.S.C. §§ 1227(a)(2)(A)(ii), 1252(a)(2)(C); *see Castro-Espinosa*, 257 F.3d at 1132.

DISMISSED