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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALEJANDRO BAEZ-OROZCO,</p> <p>Petitioner,</p> <p>v.</p> <p>LORETTA LYNCH, Attorney General</p> <p>Respondent.</p>
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No. 13-71152

Agency No. A096-866-243

MEMORANDUM*

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

Submitted December 11, 2015 **
Pasadena, California

Before: GOULD and BERZON, Circuit Judges, and ZOUHARY,** District
Judge.

Alejandro Baez-Orozco challenges the decision of the Board of Immigration
Appeals (“BIA”) affirming the Immigration Judge’s denial of his application for

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

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

*** The Honorable Jack Zouhary, United States District Judge for the
Northern District of Ohio, sitting by designation.

adjustment of status. We have jurisdiction under 8 U.S.C. § 1252 and deny the petition for review.

The BIA reasonably concluded Baez's prior drug convictions retained their immigration consequences because they were expunged under a rehabilitative statute, Cal. Penal Code § 1210.1. *See Ramirez-Castro v. INS*, 287 F.3d 1172, 1174 (9th Cir. 2002) ("For immigration purposes, a person continues to stand convicted of an offense notwithstanding a later expungement under a state's rehabilitative law."). The statute under which Baez obtained relief requires completion of a drug treatment program and substantial compliance with the conditions of probation, and leaves in place a number of civil disabilities. Although Baez's convictions were dismissed, that dismissal "does not reflect a judgment about the merits of the underlying adjudication of guilt." *In re Marroquin-Garcia*, 23 I. & N. Dec. 705, 713–14 (BIA 1997; A.G. 2005).

Baez also fails to distinguish Cal. Penal Code § 1210.1 from a similar statute this Court has previously recognized as rehabilitative, Cal. Penal Code § 1203.4. *See Ramirez-Castro*, 287 F.3d at 1175–76; *see also Marroquin-Garcia*, 23 I. & N. Dec. at 713–14. Because Baez continues to stand convicted of his offenses for immigration purposes, he was properly found ineligible for a status adjustment.

DENIED.