

DEC 20 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS ALONSO BERNAL GOMEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-71326

Agency No. A092-428-063

MEMORANDUM*

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

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Luis Alonso Bernal Gomez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision premitting his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

* 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).

questions of law, *Lopez-Jacuinde v. Holder*, 600 F.3d 1215, 1217 (9th Cir. 2010), and deny the petition for review.

The agency properly concluded that Bernal Gomez' conviction under California Health & Safety Code ("CHSC") § 11383(c)(1) was a drug trafficking aggravated felony that rendered him ineligible for cancellation of removal. *See Lopez-Jacuinde*, 600 F.3d at 1217-19 (a conviction under CHSC § 11383(c)(1) is categorically a drug trafficking aggravated felony under 8 U.S.C. § 1101(a)(43)(B)); 8 U.S.C. § 1229b(a)(3) (a conviction for an aggravated felony renders an applicant ineligible for cancellation of removal).

Bernal Gomez contends that this court's decision in *Lopez-Jacuinde v. Holder* was wrongly decided, but in the absence of an intervening Supreme Court or en banc decision, "[a] three-judge panel cannot reconsider or overrule circuit precedent." *Avagyan v. Holder*, 646 F.3d 672, 677 (9th Cir. 2011).

PETITION FOR REVIEW DENIED.