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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OMAR CRUZ RODRIGUEZ,

Petitioner,

v.

JEFF B. SESSIONS, Attorney General,

Respondent.

No. 15-72487

Agency No. A204-371-716

MEMORANDUM\*

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

Submitted February 14, 2017\*\*

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Omar Cruz Rodriguez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

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\* 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).

immigration judge's order of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Cruz Rodriguez' collateral attack upon his California controlled substance conviction. *See Ramirez-Villalpando v. Holder*, 645 F.3d 1035, 1041 (9th Cir. 2010) (holding that petitioner could not collaterally attack his state court conviction on a petition for review of a BIA decision).

We lack jurisdiction to consider Cruz Rodriguez' eligibility for Deferred Action for Childhood Arrivals, *see Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order); 8 U.S.C. § 1252(g), and Cruz Rodriguez has not shown any error in the BIA's decision not to remand.

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**