

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2018

FOR THE NINTH CIRCUIT

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

MIGUEL ARMANDO SIERRA-JACOBO,
AKA Miguel Armando Sierra,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-73340

Agency No. A073-433-960

MEMORANDUM*

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

Submitted February 13, 2018**

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

Miguel Armando Sierra-Jacobo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his motion to terminate and

* 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).

ordering his removal. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

The BIA did not have the benefit of *Sandoval v. Sessions*, 866 F.3d 986 (9th Cir. 2017), which held that the definition of “delivery” under Oregon Revised Statutes (“ORS”) § 475.005 includes mere solicitation, when it held that delivery of marijuana for consideration under ORS § 475.860(2) and delivery of marijuana within 1,000 feet of a school under ORS § 475.862 were aggravated felonies. Thus, we remand for further proceedings consistent with that disposition.

PETITION FOR REVIEW GRANTED; REMANDED.