

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 30 2018

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

JOSE ANTONIO PINEDA CASASOLA,

Petitioner,

v.

MATTHEW G. WHITAKER, Acting
Attorney General,

Respondent.

No. 16-73104

Agency No. A098-458-517

MEMORANDUM*

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

Submitted November 27, 2018**

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

Jose Antonio Pineda Casasola, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his applications for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We grant

* 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 petition for review and remand.

The BIA did not have the benefit of *Gomez-Sanchez v. Sessions*, 892 F.3d 985, 990 (9th Cir. 2018), which overruled *Matter of G-G-S-*, 26 I. & N. Dec. 339 (BIA 2014), and held the agency must consider an applicant’s mental condition at the time of the crime when determining whether it was particularly serious, when it issued its decision. Thus, we remand for further proceedings consistent with that disposition.

We do not reach Pineda Casasola’s other contentions concerning his eligibility for asylum and withholding, because the BIA did not reach them. *See Andia v. Ashcroft*, 359 F.3d 1181, 1184 (9th Cir. 2004) (“In reviewing the decision of the BIA, we consider only the grounds relied upon by that agency.”)

Each party shall bear its own costs for this petition for review.

PETITION FOR REVIEW GRANTED; REMANDED.