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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>J. JESUS RAMIREZ ZAGAL,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-70581

Agency No. A96-066-430

MEMORANDUM*

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

Submitted July 14, 2008**

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

A review of the record indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The Board of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Immigration Appeals did not abuse its discretion in determining that petitioner's conviction under California Penal Code section 12031(a) for carrying a loaded firearm in public constituted a firearm offense as described by INA § 237(a)(2)(C), 8 USC § 1227(a)(2)(C), which rendered him ineligible for cancellation of removal under INA § 240A(b)(1)(C), 8 USC § 1229b(b)(1)(C). *Cf. Valerio-Ochoa v INS*, 241 F.3d 1092, 1095 (9th 2001) (“[f]rom a plain reading of the statute, it is clear that Congress intended to embrace the entire panoply of firearm offenses” under INA section 237(a)(2)(C)).

Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.