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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANCISCO VAZQUEZ-ZAMORA,</p> <p>Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p>Respondent.</p>

No. 04-74627

Agency No. A19-981-331

MEMORANDUM*

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

Submitted February 15, 2008*
San Francisco, California

Before: SILVERMAN, McKEOWN, and TALLMAN, Circuit Judges.

The IJ correctly determined that Francisco Vazquez-Zamora was convicted of an aggravated felony and we therefore lack jurisdiction to review his claim that he is eligible for discretionary cancellation of removal under 8 U.S.C. §

* 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).

1229b(b)(1). The record reflects that Vazquez-Zamora was convicted of assault with a deadly weapon and with force likely to cause great bodily harm contrary to California Penal Code § 245(a)(1) following his nolo contendere plea. The criminal complaint alleged that he “did willfully and unlawfully commit an assault [], with a deadly weapon, to wit, hands, fists, and by means of force likely to produce great bodily injury.” As a result of his plea, Vazquez-Zamora received a sentencing enhancement for the “infliction of great bodily injury.” *See* Cal. Penal Code § 12022.7(a). Because we have held that assault with a deadly weapon is a crime of violence, *see Ocampo-Duran v. Ashcroft*, 254 F.3d 1133, 1134-35 (9th Cir. 2001), and the sentencing enhancement applies only to principals, not those who aid and abet, *see* Cal. Penal Code § 12022.7(a), Vazquez-Zamora was convicted of an aggravated felony.

PETITION FOR REVIEW DISMISSED.