

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KAMAL MATIAN,</p> <p>Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p>Respondent.</p>

No. 05-77276

Agency No. A24-298-238

MEMORANDUM*

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

Submitted December 20, 2007**

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

Kamal Matian, a native and citizen of Iran, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from an immigration judge’s deportation order, which denied all relief except protection under the Convention Against Torture. We have jurisdiction pursuant to 8 U.S.C. § 1252,

* 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).

Fernandez-Ruiz v. Gonzales, 468 F.3d 1159, 1163 (9th Cir. 2006), and we deny the petition for review.

Matian’s sole contention, that he is eligible for relief under former § 212(c), is foreclosed by *Armendariz-Montoya v. Sonchik*, 291 F.3d 1116, 1121-22 (9th Cir. 2002) (holding that aliens who “pleaded not guilty and elected a jury trial . . . [are] barred from seeking § 212(c) relief”). *See also Saravia-Paguada v. Gonzales*, 488 F.3d 1122, 1131-34 (9th Cir. 2007).

PETITION FOR REVIEW DENIED.