

FEB 15 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANUEL DIAZ-TABLAS,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-73743

Agency No. A78-919-954

MEMORANDUM*

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

Submitted February 11, 2008**

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order affirming an Immigration Judge's order pretermining petitioner Manuel

* 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).

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Diaz-Tablas's application for cancellation of removal pursuant to 8 U.S.C. § 1229b(b).

The Immigration Judge ("IJ") pretermitted petitioner's application for cancellation of removal because petitioner admitted through counsel before the IJ that he had been convicted of a controlled substance violation which rendered him inadmissible pursuant 8 U.S.C. § 1182(a)(2). A review of the administrative record demonstrates that there is substantial evidence to support the BIA's decision that this conviction rendered petitioner ineligible for cancellation of removal. *See* 8 U.S.C. § 1229b(b)(1)(C). Petitioner did not raise any arguments countering this conclusion either in his notice of appeal to the BIA or in response to respondent's motion for summary disposition.

Accordingly, respondent's motion for summary disposition is granted because the questions raised by this petition for review 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). 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.