

FILED

MAY 22 2008

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

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MIKELS RILLORAZA,

Petitioner,

v.

MICHAEL B. MUKASEY, \*\* Attorney  
General,

Respondent.

No. 04-76783

Agency No. A91-837-771

MEMORANDUM\*

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

Submitted May 13, 2008.\*\*\*  
Pasadena, California

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\* This disposition is not appropriate for publication and is not precedent except as provided by the Ninth Circuit Rule 36-3.

\*\* Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

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

Before: SILVERMAN, BERZON, Circuit Judges, and BENITEZ, \*\*\*\* District Judge.

Petitioner Mikels Rilloraza was born in the Philippines, arrived in the United States in 1974, and became a permanent resident in 1990. In 2000 and 2002, Rilloraza was convicted of: (1) felony taking of a vehicle without the owner's consent, in violation of California Vehicle Code section 10851(a); (2) receipt of stolen property in violation of California Penal Code section 496(a); (3) bank fraud, in violation of 18 U.S.C. § 1344; and (4) possession of stolen mail, in violation of 18 U.S.C. § 1708. The government then initiated removal proceedings against him for having committed aggravated felonies and crimes of moral turpitude.

Rilloraza conceded that he is removable based on these grounds, and he does not challenge this issue on appeal. He claims, however, that he is not deportable because he should be considered a U.S. national by virtue of his filing an application for naturalization. Petitioner's argument is foreclosed by this Court's decision in *Perdomo-Padilla v. Ashcroft*, 333 F.3d 964 (9th Cir. 2003), *cert. denied*, 540 U.S. 1104 (2004). In *Perdomo-Padilla*, we held that "a person may become a 'national of the United States' only through birth or naturalization." *Id.*

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\*\*\*\* The Honorable Roger T. Benitez, United States District Judge for the Southern District of California, sitting by designation.

at 966. Therefore, we conclude that Petitioner is removable.

PETITION DENIED.