

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 14 2007

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

VIRGINIA BOLANIOS-COLMENERO
aka Virginia Bolanos-Colmenero,

Petitioner,

v.

MICHAEL B. MUKASEY, ** Attorney
General,

Respondent.

No. 06-71020

Agency No. A95-283-470

MEMORANDUM*

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

Submitted December 3, 2007***
San Francisco, California

Before: FARRIS, BEEZER, and THOMAS, Circuit Judges.

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

Virginia Bolanos Colmenero petitions for review of a decision by the Board of Immigration Appeals (“BIA”) affirming the immigration judge’s denial of cancellation of removal.

The BIA held that Bolanos Colmenero was ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C) because she had been convicted of a crime involving turpitude: false reporting to a police officer, A.R.S. § 13-2907.01. The BIA found that the Arizona false reporting statute is divisible, and only one of its provisions proscribes a crime involving moral turpitude. The BIA concluded that Bolanos Colmenero failed to meet her burden to establish that she had been convicted under the non-turpitudinous portion of the statute. At her removal hearing, Bolanos Colmenero submitted conviction records that did not show which provision of Arizona’s false reporting statute she had violated.

We recently clarified that an alien can establish eligibility for cancellation by submitting conviction records that do not conclusively demonstrate the alien committed a crime involving moral turpitude. Sandoval-Lua v. Gonzales, 499 F.3d 1121, 1130-32 (9th Cir. 2007).

We therefore **GRANT** the petition for review and remand with instructions that the BIA reconsider its decision in light of Sandoval-Lua.

PETITION GRANTED; REMANDED.