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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CARRILLO CRUZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 09-73147 Agency No. A044-334-442 MEMORANDUM*

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

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Juan Carrillo Cruz, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252.

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

We review de novo questions of law, *S-Yong v. Holder*, 600 F.3d 1028, 1034 (9th Cir. 2010), and we deny the petition for review.

Carrillo Cruz correctly contends that his conviction under California Health & Safety Code § 11351, for possession of a controlled substance for sale, is not categorically a controlled substance offense under 8 U.S.C. § 1227(a)(2)(B)(i), or a drug trafficking aggravated felony under 8 U.S.C. § 1101(a)(43)(B). *See S-Yong*, 600 F.3d at 1034 ("We have previously found that California law regulates the possession and sale of many substances that are not regulated by the [federal Controlled Substances Act]").

Carrillo Cruz, however, provides no coherent argument in his opening brief as to how the conviction documents are insufficient to demonstrate that his conviction constitutes a removable controlled substance offense, and a drug trafficking aggravated felony, under the "modified categorical approach." *See id*. at 1035. Accordingly, we deem the issue waived and deny the petition for review. *See San Diego Unified Port Dist. v. Gianturco*, 651 F.2d 1306, 1319 n.36 (9th Cir. 1981) (deeming issue waived where briefing contained little more than an assertion of error and court was "left to guess precisely what [appellants] meant to argue").

PETITION FOR REVIEW DENIED.