

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-3416

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Cesar Gerardo Zambrano De La Cruz,	*	
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Petitioner,	*	
	*	Petition for Review of
v.	*	an Order of the Board
	*	of Immigration Appeals.
Eric H. Holder, Jr., <sup>1</sup> Attorney General,	*	
	*	[UNPUBLISHED]
Respondent.	*	

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Submitted: May 6, 2009  
Filed: May 7, 2009

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Before RILEY, SMITH, and BENTON, Circuit Judges.

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PER CURIAM.

Cesar Gerardo Zambrano De La Cruz (Cesar), a native of Mexico, petitions for review of an order of the Board of Immigration Appeals (BIA), which affirmed an immigration judge's (IJ's) order of removal and denial of cancellation of removal. After careful review of the record, see Dalton v. Ashcroft, 257 F.3d 200, 203-05 (2d Cir. 2001) (standard of review), we conclude that as an alien who was convicted of an aggravated felony--first-degree criminal damage to property under Minn. Stat.

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<sup>1</sup>Eric H. Holder, Jr., has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

§ 609.595.1(3) (2001)--Cesar is removable, see 8 U.S.C. § 1227(a)(2)(A)(iii) (aggravated-felony conviction renders alien removable); 8 U.S.C. § 1101(a)(43)(F) (aggravated felony includes crime of violence for which term of imprisonment is at least one year); 18 U.S.C. § 16(b) (crime of violence is, inter alia, offense that by its nature involves substantial risk that physical force against person or property of another may be used in course of committing offense); cf. Leocal v. Ashcroft, 543 U.S. 1, 9-11 (2004) (question to determine whether offense is crime of violence under § 16 is whether offender risks having to use physical force in committing offense), and he is statutorily ineligible for cancellation of removal, see 8 U.S.C. § 1229b(a) (aggravated-felony conviction renders alien ineligible for cancellation of removal).

Accordingly, we deny the petition for review.

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