

UNITED STATES COURT OF APPEALS July 22, 2014
TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

DEMETRIO CHAVEZ-VASQUEZ,
a/k/a Demetrio Vasquez Chavez,

Petitioner,

v.

ERIC H. HOLDER, JR., United States
Attorney General,

Respondent.

No. 14-9517
(Petition for Review)

ORDER AND JUDGMENT*

Before **GORSUCH, MURPHY, and HOLMES**, Circuit Judges.

Demetrio Vasquez Chavez, a native and citizen of Mexico, entered the United States in 1988 and became a lawful permanent resident in 1991. More recently, however, he was convicted in Colorado state court of burglary and was sentenced to ten years in prison. In May 2013, the Department of Homeland Security initiated removal proceedings against Mr. Chavez, charging that his

* After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

burglary conviction rendered him subject to deportation. The immigration judge and the Bureau of Immigration Appeals agreed. Mr. Chavez now appeals, arguing that his pending motion in state court seeking to vacate his conviction precludes his removal.

We cannot provide the relief Mr. Chavez seeks. Under federal law, he became subject to removal upon his conviction. *See* 8 U.S.C. § 1227(a)(2)(A)(iii); 8 U.S.C. § 1101(a)(43)(G). As this court has previously explained, “[p]ending post-conviction motions or other collateral attacks do not negate the finality of a conviction for immigration purposes unless and until the conviction is overturned.” *Jimenez-Guzman v. Holder*, 642 F.3d 1294, 1297 (10th Cir. 2011); *see also Paredes v. Att’y Gen.*, 528 F.3d 196, 198-99 (3d Cir. 2008) (collecting cases).

The petition for review and motion to proceed *in forma pauperis* are denied and Mr. Chavez is reminded that he must pay his filing fee in full.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge