

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Argued March 27, 2007

Decided April 20, 2007

Before

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

No. 06-3135

JOSEPH JOHN RYAN,

Petitioner,

v.

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

No. A35-042-827

ALBERTO R. GONZALES,

Attorney General of the United States,

Respondent.

O R D E R

Joseph John Ryan is a citizen of Ireland who entered into the United States in 1975 as an immigrant. He made a life for himself in the Chicagoland area where he is married and has four children. He has been employed as a dock worker since 1984 and is active in his union and community. However, Ryan was also convicted in 1995 of criminal sexual assault of a family member under the age of 18 in violation of 720 ILCS 5/12-13-A-3 and was sentenced to four years probation. In 2004, a Notice to Appear was issued charging him with removability pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) because the sexual assault conviction qualified as an aggravated felony as defined by 8 U.S.C. § 1101(a)(43)(A).

In the proceeding before the IJ, Ryan “submit[ted] and concede[d] removability,” R. 60 at ln. 4-5, but he submitted an application for a § 212(c) waiver. The IJ held that a § 212(c) waiver was not available because of the BIA’s decision in *In re Blake*. 23 I. & N. Dec. 722 (B.I.A. 2005). The BIA affirmed the IJ’s decision.

Ryan argues that *In re Blake* conflicts with the Supreme Court’s decision in *I.N.S. v. St. Cyr*, 533 U.S. 289 (2001). However, we previously rejected this argument in *Valere v. Gonzales*. 473 F.3d 757 (7th Cir. 2007); *see also Dalombo Fontes v. Gonzales*, – F.3d –, No. 05-1755, 2007 WL 949590, at *7 n.4 (1st Cir. Mar. 30, 2007); *Vo v. Gonzales*, – F.3d –, No. 05-60518, 2007 WL 816522 (5th Cir. Mar. 19, 2007). *Valere* controls our consideration of this issue. We find no reason to contrast *Valere* or otherwise reject its application in the present case. Therefore, we faithfully apply *Valere* and reject Ryan’s argument as to § 212(c) relief.

Ryan also raises secondary arguments in his brief as to the type of removal charges levied against him and whether he is actually removable. Unfortunately for Ryan, he did not bring these arguments before the IJ and BIA and therefore we cannot review them. *See Capric v. Ashcroft*, 355 F.3d 1075, 1087 (7th Cir. 2004) (“An alien is required to raise and exhaust his remedies as to each claim or ground for relief if he is to preserve the right to judicial review of that claim.”) (citing *Abdulrahman v. Ashcroft*, 330 F.3d 587, 594-95 (3d Cir. 2003); *Mojsilovic v. I.N.S.*, 156 F.3d 743, 748 (7th Cir. 1998)).

The petition for review is DENIED.