

**FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

REYNALDO ANGULO-DOMINGUEZ,

7416

COUNSEL

Vikram K. Badrinath, Vikram K. Badrinath, P.C., Tucson, Arizona, for petitioner-appellant Reynaldo Angulo-Dominguez.

David W. Ogden, John J. Andre, John S. Hogan, United States Department of Justice, Washington, D.C., for respondent-appellee John Ashcroft.

OPINION

WEINER, Senior District Judge:

I.

Reynaldo Angulo-Dominguez appeals the district court's order denying his application for a writ of habeas corpus under 28 U.S.C. § 2241. Angulo-Dominguez contends that his deportation order violated the Constitution and the Immigration and Nationality Act ("INA"), because he was erroneously denied eligibility for relief under the Registry Statute ("Registry Statute"). INA § 249, 8 U.S.C. § 1259. Following the parties' initial briefing, we ordered additional briefing, in light of INS v. St. Cyr, 533 U.S. 289, 121 S. Ct. 2271 (2001), directed to the question whether Angulo-Dominguez qualified for a discretionary waiver of deportation under the prevailing interpretation of INA § 212(c), 8 U.S.C. § 1182(c), at the time of his 1990 conviction. We affirm the district court's conclusion that Angulo-Dominguez is not eligible for relief under the Registry Statute. We remand the balance of this case to

aggravated felony, and § 241(a)(2)(A)(iii), as an alien convicted of controlled substance violations. An additional charge was later added for entering the United States at a place other than as designated by the Attorney General pursu-

Angulo-Dominguez then filed his habeas petition pursuant

entry; (3) is a person of good moral character; and (4) is not ineligible to citizenship and not deportable under 8 U.S.C. § 1227(a)(4)(B). 8 U.S.C. § 1259.

A. "No Record" Requirement.

Angulo-Dominguez first argues that the Registry Statute's requirement that "no such record is otherwise available" applies only to aliens who entered the country prior to 1924. The district court was correct in finding that the plain language of the statute refutes appellant's argument. The Registry Statute is a "remedial provision designed to regularize the

[3] Accordingly, we find that the district court did not err when it concluded that relief under the Registry Statute is

entered the country legally, is manifestly apparent. One who entered legally has an actual record of admission; there is no

vated felony and has served a term of imprisonment of at least 5 years" shall not be eligible for a discretionary waiver under § 212(c). Pub.L. No. 101-649, § 511(a), 104 Stat. 4978, 5052. Both St. Cyr and the case at issue, however, concern eligibility for relief pursuant to § 212(c) where the conviction at

