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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAMON RAMIREZ-MACIAS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 04-70127

Agency No. A072-986-765

MEMORANDUM*

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

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Ramon Ramirez-Macias, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision pretermining his application for cancellation of removal.

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

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

We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for substantial evidence, *Ibarra-Flores v. Gonzales*, 439 F.3d 614, 618 (9th Cir. 2006), we deny the petition for review.

Substantial evidence supports the agency's determination that Ramirez-Macias did not meet the continuous physical presence requirement. *See id.* Ramirez-Macias was apprehended in 1994 and signed documents, provided in Spanish, giving up his right to a hearing and his right to apply for relief before an IJ, and agreeing to return to Mexico. *See Vasquez-Lopez v. Ashcroft*, 343 F.3d 961, 974 (9th Cir. 2003) (“[A]n alien who commits to departure in order to avoid deportation proceedings is not entitled to continue accruing presence.”); *cf. Ibarra-Flores*, 439 F.3d at 619-20.

PETITION FOR REVIEW DENIED.