

SEP 16 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARCO ANTONIO MENDEZ-HERNANDEZ,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, JR., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-72610

Agency No. A030-570-543

MEMORANDUM \*

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

Resubmitted September 15, 2009

Submitted July 18, 2008\*\*

San Francisco, California

Before: FARRIS, SILER,\*\*\* and BEA, Circuit Judges

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\* 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).

\*\*\* The Honorable Eugene E. Siler, Jr., Senior United States Circuit Judge for the Sixth Circuit, sitting by designation.

Marco Mendez-Hernandez petitions for review of the Board of Immigration Appeals' decision affirming the Immigration Judge's order finding Mendez-Hernandez (1) removable for having committed an aggravated felony—sexual abuse of a minor; and (2) ineligible for a § 212(c) waiver of this ground of removability. For the reasons stated in *Abebe v. Mukasey*, 554 F.3d 1203 (9th Cir. 2009), the petition for review is DENIED.