

NOV 30 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA DE LA CRUZ SANCHEZ DE ARZATE,</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>

No. 06-74832

Agency No. A046-957-628

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Maria De La Cruz Sanchez De Arzate, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision finding her removable for

* 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).

participating in alien smuggling. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law. *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005). We deny the petition for review.

The agency properly admitted the smuggled alien's Form I-213. *See Espinoza v. INS*, 45 F.3d 308, 311 (9th Cir. 1995). Arzate was able to cross-examine the author of the form, and did not seek to cross-examine the smuggled alien. *Cf. Hernandez-Guadarrama v. Ashcroft*, 394 F.3d 674, 682 (9th Cir. 2005).

According to the Form I-213, the smuggled alien stated that she had phoned Arzate and Arzate's husband for help crossing the border, and that Arzate and Arzate's husband provided her with the document she attempted to use to enter the United States. According to her Record of Sworn Statement, Arzate admitted that she traveled to Mexico for the purpose of picking up the smuggled alien. Contrary to Arzate's contention, she therefore "provided some form of affirmative assistance to the illegally entering alien." *See Altamirano*, 427 F.3d at 592.

PETITION FOR REVIEW DENIED.