

DEC 09 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LIZARDI MAGALI ESTRADA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

Nos. 04-76531
05-72613

Agency No. A077-974-853

MEMORANDUM*

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted November 17, 2009**

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

Lizardi Magali Estrada, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) orders dismissing her appeal from an immigration judge’s decision denying her application for cancellation of

* 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).

removal and, upon reconsideration, again dismissing her appeal. As the BIA granted Estrada's motion to reconsider, we dismiss the petition for review in No. 04-76531. *See* 8 U.S.C. § 1252(a)(1) (jurisdiction over final orders of removal). We have jurisdiction in petition No. 05-72613 under 8 U.S.C. § 1252. We review de novo questions of law, *Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649, 651 (9th Cir. 2004), and we deny the petition for review.

The BIA properly concluded that Estrada is statutorily ineligible for cancellation of removal based on her conviction for a crime of domestic violence. *See* 8 U.S.C. §§ 1229b(b)(1)(C); 1227(a)(2)(E)(i); *see also Gonzalez-Gonzalez*, 390 F.3d at 651-53. Estrada's contention that she is eligible for cancellation because her conviction is not a crime involving moral turpitude is inapposite. Moreover, her contention that the petty offense exception applies in her case is unavailing. *See Cisernos-Perez v. Gonzales*, 465 F.3d 386, 390 (9th Cir. 2006) (petty offense exception does not apply to crimes of domestic violence).

No. 04-76531: PETITION FOR REVIEW DISMISSED.

No. 05-72613: PETITION FOR REVIEW DENIED.