

DEC 09 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE MILTON GAMEZ-SORTO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 05-71092

Agency No. A078-956-276

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.

Jose Milton Gamez-Sorto, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his application for special rule

* 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).

cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act of 1997 (“NACARA”). We have jurisdiction under 8 U.S.C. § 1252. Reviewing de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), we deny the petition for review.

Gamez-Sorto’s contentions are foreclosed by this court’s recent decision in *Barrios v. Holder*, No. 06-74983, 2009 WL 2882868, at *6-12 (9th Cir. September 10, 2009) (holding that a minor who seeks relief as a derivative under NACARA must personally satisfy the requirement of seven years of continuous physical presence and that a parent’s physical presence in the United States cannot be imputed to the minor).

PETITION FOR REVIEW DENIED.