

DEC 22 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JESUS SANCHEZ GUTIERREZ; CELIA SANCHEZ,</p> <p style="text-align: center;">Petitioners,</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. 05-77200

Agency Nos. A077-424-900
A077-424-901

MEMORANDUM*

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Jesus Sanchez Gutierrez and Celia Sanchez, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their applications for

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

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

cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual conclusions regarding continuous physical presence, *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847, 850-51 (9th Cir. 2004), and regarding whether an alien falls into one of the per se categories barred from establishing good moral character, *Urzua Covarrubias v. Gonzales*, 487 F.3d 742, 747 (9th Cir. 2007). We deny the petition for review.

Substantial evidence supports the BIA's conclusion that Celia Sanchez failed to demonstrate continuous physical presence because she provided inconsistent testimony regarding the length of her visit to Mexico and her testimony conflicted with her husband's regarding her date of return. *See* 8 U.S.C. § 1229b(b)(1)(A); *see also Lopez-Alvarado*, 381 F.3d at 851-52.

Substantial evidence also supports the BIA's conclusion that Jesus Sanchez Gutierrez's testimony regarding his daughter's unlawful entry into the United States bars him from establishing good moral character under 8 U.S.C. § 1101(f)(3). *See Urzua Covarrubias*, 487 F.3d at 748.

PETITION FOR REVIEW DENIED.