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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALFREDO MORALES-GUTIERREZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71984

Agency No. A096-345-406

MEMORANDUM*

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

Submitted December 15, 2009**

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

Alfredo Morales-Gutierrez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal.

* 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).

We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence the agency's continuous physical presence determination. *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847, 850-51 (9th Cir. 2004). We deny the petition for review.

Substantial evidence supports the agency's conclusion that Morales-Gutierrez did not meet his burden of establishing continuous physical presence, *see* 8 U.S.C. § 1229b(b)(1)(A), because his testimony was internally inconsistent and was inconsistent with his witness' testimony about Morales-Gutierrez's entry date, addresses, and employment for the requisite time period. *Cf. Vera-Villegas v. INS*, 330 F.3d 1222, 1231-34 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.