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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SOFIA SIMONA BRACAMONTE,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-73489

Agency No. A096-362-768

MEMORANDUM*

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

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Sofia Simona Bracamonte, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her application 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 pursuant to 8 U.S.C. § 1252. We review for substantial evidence the agency's continuous physical presence determination, *Ibarra-Flores v. Gonzales*, 439 F.3d 614, 618 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's determination that Bracamonte did not meet the continuous physical presence requirement where she testified that she departed the United States for Mexico in 1996 for over nine months. *See* 8 U.S.C. § 1229b(d)(2) (departure in excess of ninety days breaks continuous physical presence).

Bracamonte's contention that the BIA improperly denied her motion to file a late brief is unavailing.

PETITION FOR REVIEW DENIED.