

FEB 25 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RONALD MAGAOAY GARCIA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 05-74903

Agency No. A044-527-531

MEMORANDUM*

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

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Ronald Magaoay Garcia, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order affirming an immigration judge's decision denying his application under 8 U.S.C. § 1186a(c)(4)(B) for a

* 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).

waiver of the requirement to file a joint petition with his former spouse to remove the conditional basis of his lawful permanent resident status. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence the agency's finding of removability, *Nakamoto v. Ashcroft*, 363 F.3d 874, 882 (9th Cir. 2004) and the agency's order denying the waiver, *Damon v. Ashcroft*, 360 F.3d 1084, 1088 (9th Cir. 2004). We deny the petition for review.

Substantial evidence supports the agency's finding that Garcia is removable because he failed to satisfy his burden of establishing that his marriage was entered into in good faith since he did not submit sufficient documentation indicating that he and his former spouse intended to establish a life together at the time of their marriage. *Cf. Damon*, 360 F.3d at 1088-89 (evidence of joint insurance policies, property leases, income tax forms or bank accounts, and shared residence was substantial evidence of intent to establish a life together); *see also* 8 C.F.R. § 216.5(e)(2)(i)-(iv).

Petitioner's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.