

MAR 31 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEONILIO BUSTAMANTE  
SALVADOR,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73437

Agency No. A037-370-243

MEMORANDUM\*

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

Submitted March 16, 2010\*\*

Before: PREGERSON, LEAVY, and RAWLINSON, Circuit Judges.

Leonilio Bustamante Salvador, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C.

---

\* 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).

§ 1252. We review for abuse of discretion the denial of a motion to reopen, *Ramirez-Alejandre v. Ashcroft*, 320 F.3d 858, 874 (9th Cir. 2003) (en banc), and de novo due process claims, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003). We deny the petition for review.

The BIA did not abuse its discretion in denying Salvador's motion to reopen for adjustment of status based on marriage to a United States citizen during removal proceedings where the supporting evidence did not meet the regulatory requirements at 8 C.F.R. § 204.2(a)(1)(iii)(B). *See Malhi v. INS*, 336 F.3d 989, 994 (9th Cir. 2003). Petitioner's due process claim therefore fails. *See Lata v. INS*, 204, F.3d 1241, 1246 (9th Cir. 2000) (requiring error for due process violation).

**PETITION FOR REVIEW DENIED.**