

APR 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANGELICA RAMOS CARMONA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-73652

Agency No. A095-291-689

MEMORANDUM*

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

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Angelica Ramos Carmona, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her application for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review 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).

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 BIA's determination that Carmona did not meet the continuous physical presence requirement where she testified, in accordance with her cancellation application, that she departed the United States for Mexico in September of 1991 for seven months, and in April of 1998 for seventeen months. *See* 8 U.S.C. § 1229b(d)(2) (departure in excess of 90 days or for any periods in the aggregate exceeding 180 days breaks continuous physical presence).

PETITION FOR REVIEW DENIED.