

JUN 09 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANIEL MEDINA-LANDEI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-70641

Agency No. A074-334-051

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Daniel Medina-Landei, 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 suspension of

* 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).

deportation. We have jurisdiction under 8 U.S.C. § 1252. We review the agency's continuous physical presence determination for substantial evidence, *Canales-Vargas v. Gonzales*, 441 F.3d 739, 742 (9th Cir. 2006), and we deny the petition for review.

The record does not compel the conclusion that Medina-Landei met his burden to establish continuous physical presence where he failed to provide sufficient evidence supporting his presence from December 1989 to April 1990. *See Singh-Kaur v. INS*, 183 F.3d 1147, 1150 (9th Cir. 1999) (a contrary result is not compelled where there is “[t]he possibility of drawing two inconsistent conclusions from the evidence”) (internal quotation marks and citation omitted).

PETITION FOR REVIEW DENIED.