

JUL 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**EDGAR AGBAYANI AGBAYANI,**

Petitioner,

v.

**ERIC H. HOLDER, Jr.,** Attorney  
General,

Respondent.

No. 06-72906

Agency No. A023-127-060

**MEMORANDUM\***

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

Submission Deferred May 5, 2009

Submitted July 12, 2010\*\*

San Francisco, California

Before: **KOZINSKI**, Chief Judge, **BYBEE** and **CALLAHAN**, Circuit  
Judges.

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\* 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), and orders the case submitted contemporaneously with the filing of this disposition.

The BIA did not err by concluding that petitioner is ineligible for relief under former section 212(c) of the INA. See Abebe v. Mukasey, 554 F.3d 1203, 1205–07 (9th Cir. 2009) (en banc).

**DENIED.**