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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDUARDO GUERECALLEYVA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-73191

Agency No. A078-533-323

MEMORANDUM*

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

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Eduardo Guereca-Leyva, 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 applications for cancellation of removal

* 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 adjustment of status. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law and constitutional questions. *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We deny in part and dismiss in part the petition for review.

Guereca-Leyva's claim regarding continuous physical presence is foreclosed by *Juarez-Ramos v. Gonzales*, 485 F.3d 509, 512 (9th Cir. 2007).

We lack jurisdiction to consider Guereca-Leyva's contention that he did not make a false claim to U.S. citizenship, and that the basis of his May 30, 2000, expedited removal order was therefore incorrect, because it would require us to "nullify the continuing effects of that order" which 8 U.S.C. § 1252(a)(2)(A) bars. *See Avendano-Ramirez v. Ashcroft*, 365 F.3d 813, 818-19 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.