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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE LUIS MEJIA-GARCIA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-70082

Agency No. A077-585-674

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.

Jose Luis Mejia-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial

* 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).

evidence the agency's continuous physical presence determination, *Gutierrez v. Mukasey*, 521 F.3d 1114, 1116 (9th Cir. 2008); *Kaur v. Gonzales*, 418 F.3d 1061, 1064 (9th Cir. 2005), we deny the petition for review.

Substantial evidence supports the agency's finding that Mejia-Garcia failed to establish the requisite continuous physical presence where the record contains a signed Notice and Request for Disposition form stating that he was giving up his right to a hearing before an IJ and agreeing to return to Mexico. *See Vasquez-Lopez v. Ashcroft*, 343 F.3d 961, 973 (9th Cir. 2003); *see also* 8 C.F.R. § 240.64(b)(3).

In light of our disposition, we need not address Mejia-Garcia's adverse credibility contentions.

Mejia-Garcia's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.