

JUL 16 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARTHA MAGDALENA MIRANDA MENDEZ; VERONICA ATHALIA VAZQUEZ MIRANDA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 08-70194

Agency Nos. A096-063-264
A096-063-265

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.

Martha Magdalena Miranda Mendez and Veronica Athalia Vazquez

Miranda, natives and citizens of Mexico, petition for review of the Board of
Immigration Appeals' order dismissing their appeal from an immigration judge's

* 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).

decision denying their applications for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings, *Lata v. INS*, 204 F.3d 1241, 1244 (9th Cir. 2000), and we deny the petition for review.

Substantial evidence supports the agency's determination that Miranda Mendez did not meet the continuous physical presence requirement where her testimony and application indicated that she departed the United States for Mexico in October 1994 and that she remained there for a period greater than 90 days. *See* 8 U.S.C. § 1229b(d)(2) (departure in excess of 90 days breaks continuous physical presence).

The agency did not err in denying cancellation relief to Vazquez Miranda where she did not demonstrate that she had a qualifying relative. *See* 8 U.S.C. § 1229b(b)(1).

PETITION FOR REVIEW DENIED.