

JUL 26 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LETICIA NOVERON DE SALGADO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 08-70750

Agency No. A095-185-200

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.

Leticia Noveron De Salgado, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law, and review 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 factual findings. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

Noveron De Salgado's Form I-213 states that she told the immigration officer she knowingly participated in a plan to bring her undocumented niece from Tijuana to her niece's father's home in the United States. Substantial evidence supports the agency's decision to disregard Noveron De Salgado's claim that she lied to the immigration officer in order to aid her sister. *See Wang v. INS*, 352 F.3d 1250, 1258-59 (9th Cir. 2003) (inconsistencies and implausibilities in testimonial and documentary evidence went to the heart of applicant's claim and supported IJ's adverse credibility finding). Because Noveron De Salgado "provided some form of affirmative assistance to the illegally entering alien," the agency properly determined that she was removable and that her actions constituted alien smuggling as defined in 8 U.S.C. § 1182(a)(6)(E)(i). *See Altamirano v. Gonzales*, 427 F.3d 586, 592 (9th Cir. 2005).

We lack jurisdiction to review Noveron De Salgado's contentions regarding her motion to suppress the Form I-213 and her detention at the border because she failed to exhaust these issues before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.