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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GERARDO VALDOVINOS-INFANTE,
a.k.a. Gerardo Infante Valdovinos,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 08-70843

Agency No. A079-166-879

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.

Gerardo Valdovinos-Infante, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s (“IJ”) decision denying his application for a waiver under

* 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).

8 U.S.C. § 1186a(c)(4)(B). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the IJ's order denying the waiver, *Damon v. Ashcroft*, 360 F.3d 1084, 1088 (9th Cir. 2004), and we deny the petition for review.

Substantial evidence supports the IJ's conclusion that Valdovinos-Infante failed to satisfy his burden of establishing that his marriage was entered into in good faith where he did not submit sufficient documentation indicating that he and his wife intended to establish a life together at the time of their marriage. *See Oropeza-Wong v. Gonzales*, 406 F.3d 1135, 1148 (9th Cir. 2005).

We decline to consider the evidence Valdovinos-Infante attached to his opening brief because our review is limited to the administrative record underlying the IJ's decision. *See Fisher v. INS*, 79 F.3d 955, 963 (9th Cir. 1996) (en banc).

PETITION FOR REVIEW DENIED.