

OCT 01 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHERYL BRIGITTE ZAMBARRANO-
RUTLEDGE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-74228

Agency No. A029-084-602

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Cheryl Brigitte Zambarrano-Rutledge, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the

* 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).

agency's finding of removability, *Nakamoto v. Ashcroft*, 363 F.3d 874, 881 (9th Cir. 2004), and de novo questions of law, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the agency's finding that the government met its burden of proving that Zambarrano-Rutledge was removable for obtaining permanent residence in the United States through a fraudulent marriage where she voluntarily admitted to the Customs and Border Patrol officer that she had married a United States citizen solely to obtain lawful residence in the United States. *See Nakamoto*, 363 F.3d at 882; *see also Barragan-Lopez v. Mukasey*, 508 F.3d 899, 905 (9th Cir. 2007). Zambarrano-Rutledge's due process claim therefore fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a petitioner to prevail on a due process claim).

Zambarrano-Rutledge's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.