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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DARNIEL MENDEZ VILLAREAL,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73403

Agency No. A073-396-575

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Darniel Mendez Villareal, 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 applications for cancellation of removal and voluntary departure. We have jurisdiction under 8 U.S.C. § 1252.

* 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).

We review for substantial evidence factual findings of the IJ, *Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001), and we review de novo due process claims, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the agency's determination that MendezVillareal provided false testimony for the purpose of obtaining an immigration benefit, thereby rendering him unable to establish the requisite good moral character required for cancellation of removal and voluntary departure. *See* 8 U.S.C. §§ 1101(f)(6), 1229b(b)(1)(B); *see also Ramos*, 246 F.3d at 1266. MendezVillareal's contention that the IJ misinterpreted the law is not persuasive.

Contrary to Mendez-Villareal's contentions that he explained his inconsistent testimony and that he retracted the statements in a timely manner, the record does not compel a contrary result. *See Monjaraz-Munoz v. INS*, 327 F.3d 892, 895 (9th Cir. 2003). It follows that the denial of Mendez-Villareal's application on this basis did not violate due process. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a petitioner to prevail on a due process claim).

PETITION FOR REVIEW DENIED.

