

OCT 26 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANDREA VILLA BELLO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 05-75947

Agency No. A095-306-083

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.

Andrea Villa Bello, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order summarily dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. §1252. We

* 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).

review for substantial evidence the BIA's determination of continuous physical presence. *Landin-Zavala v. Gonzales*, 488 F.3d 1150, 1151 (9th Cir. 2007). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's determination that Bello was ordered expeditiously removed in 1998 under the name Theresa Martinez Lopez, which she conceded was her alias, and that Bello therefore did not meet the continuous physical presence requirement for cancellation of removal. *See Juarez-Ramos v. Gonzales*, 485 F.3d 509, 511-12 (9th Cir. 2007) (holding that an expedited removal order interrupts an alien's continuous physical presence for cancellation purposes). Substantial evidence also supports the agency's determination that Bello had not accrued ten years of continuous physical presence at the time she was served with the Notice to Appear ("NTA") in April 2002. *See* 8 U.S.C. § 1229b(d)(1).

We lack jurisdiction to review Bello's challenge to the IJ's denial of her request for a continuance because Bello failed to exhaust this issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.

