

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIO ALBERTO MIRANDA
VERDUGO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-73462

Agency No. A096-569-500

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Mario Alberto Miranda Verdugo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order concluding he was statutorily ineligible for cancellation of removal. We have jurisdiction 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. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), and we grant the petition for review.

The BIA concluded that Miranda Verdugo could not rely on his mother’s period of legal permanent resident status to establish that he had been “an alien lawfully admitted for permanent residence for not less than 5 years.” 8 U.S.C. § 1229b(a)(1). The BIA, however, did not have the benefit of our decision in *Mercado-Zazueta v. Holder*, in which we held that for the purpose of establishing the required five years of lawful permanent residence, “a parent’s status as a lawful permanent resident is imputed to the unemancipated minor children residing with that parent.” 580 F.3d 1102, 1113 (9th Cir. 2009). We therefore remand for the BIA to reconsider Miranda Verdugo’s eligibility for relief.

PETITION FOR REVIEW GRANTED; REMANDED.