

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA CRISTINA ALVENDIA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74938

Agency No. A075-098-439

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.

Maria Cristina Alvendia, 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 ("IJ") decision denying her application for adjustment of status. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

* 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).

questions of law and due process claims, and review for substantial evidence the agency's factual findings. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Alvendia's due process rights were not violated by the admission of the Form I-213 (Record of Deportable/Inadmissible Alien), because the document was probative and its admission was fundamentally fair. *See Espinoza v. INS*, 45 F.3d 308, 310 (9th Cir. 1995) ("The burden of establishing a basis for exclusion of evidence from a government record falls on the opponent of the evidence, who must come forward with enough negative factors to persuade the court not to admit it."). Alvendia's remaining due process claims are not persuasive.

Substantial evidence supports the agency's determination that Alvendia made a false claim to United States citizenship in order to gain entry into the United States. *See Pichardo v. INS*, 216 F.3d 1198, 1201 (9th Cir. 2000); *see also Valadez-Munoz v. Holder*, 623 F.3d 1304, 1309 (9th Cir. 2010) (burden on alien to demonstrate admissibility and offset the strong inference that his activities at the border constituted a claim of United States citizenship).

Alvendia's May 17, 2010, motion to remand is denied.

PETITION FOR REVIEW DENIED.