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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHNY RACHMAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-71960

Agency No. A043-543-914

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Johny Rachman, a native and citizen of Indonesia, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. “[W]e review for whether substantial evidence supports a finding by clear, unequivocal and

* 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).

convincing evidence that [Rachman] abandoned his lawful permanent residence in the United States.” *Khodagholian v. Ashcroft*, 335 F.3d 1003, 1006 (9th Cir. 2003). We deny the petition for review.

Substantial evidence support’s the agency’s determination that the government met its burden of showing that Rachman lacked a continuous, uninterrupted intention to return to the United States during the eight years he lived in Indonesia. *See Chavez-Ramirez v. INS*, 792 F.2d 932, 937-38 (9th Cir. 1986) (substantial evidence supported finding abandonment of lawful permanent residence where alien spent two and a half years in country of citizenship after the exigency which caused her to return had passed); *cf. Khodagholian*, 335 F.3d at 1007-09.

PETITION FOR REVIEW DENIED.