

JAN 20 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

|  |
|--|
| <p>HUMBERTO BECERRA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
|--|

No. 08-75122

Agency No. A075-499-740

MEMORANDUM\*

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

Submitted January 10, 2011\*\*

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Humberto Becerra, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order sustaining the government’s appeal from an immigration judge’s decision granting his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review

---

\* 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).

de novo questions of law, *Mercado-Zazueta v. Holder*, 580 F.3d 1102, 1104 (9th Cir. 2009), and we grant the petition for review.

The BIA rejected Becerra's contention that he was entitled to impute his mother's admission as a lawful permanent resident in order to satisfy the seven-year period of continuous residence required for cancellation of removal. *See* 8 U.S.C. § 1229b(a)(2). However, the BIA did not have the benefit of our decision in *Mercado-Zazueta*, 580 F.3d at 1113-16, in which we recognized the ongoing validity of *Cuevas-Gaspar v. Gonzales*, 430 F.3d 1013 (9th Cir. 2005) (a parent's admission for permanent residence is imputed to unemancipated minor children residing with the parent for the purpose of satisfying the required period of continuous residence under 8 U.S.C. § 1229b(a)(2)). We therefore remand to the BIA to reconsider Becerra's appeal.

**PETITION FOR REVIEW GRANTED; REMANDED.**