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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA LOURDES MENDOZA, a.k.a. Maria Lourdes Mendoza Padilla; RAPHAELLA MENDOZA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-70606

Agency Nos. A096-581-106
A096-581-107

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SANNLAIN, and BYBEE, Circuit Judges.

Maria Lourdes Mendoza and Raphaella Mendoza, natives and citizens of the Philippines, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s removal order. 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).

have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's finding of fact, and review de novo questions of law. *Vasquez v. Holder*, 602 F.3d 1003, 1009 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the agency's finding that Maria Lourdes Mendoza willfully misrepresented a material fact in order to obtain permanent residence based on marriage to a United States citizen, and is therefore removable under 8 U.S.C. § 1227(a)(1)(A); *Forbes v. INS*, 48 F.3d 439, 441-42 (9th Cir. 1995).

Petitioners' contention that the agency ignored the evidence in Maria Lourdes Mendoza's application for cancellation of removal as a battered spouse under 8 U.S.C. § 1229b(b)(2) is not supported by the record.

Petitioners' remaining contention is unavailing.

PETITION FOR REVIEW DENIED.