

APR 15 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KATIA KINA DURAN-SANTIAGO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-72237

Agency No. A095-285-185

MEMORANDUM*

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

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Katia Kina Duran-Santiago, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her application for adjustment of status. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions

* 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).

of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not err in concluding that Duran-Santiago failed to establish eligibility for adjustment of status under 8 U.S.C. § 1255(i) because the record demonstrates she failed to submit any evidence in support of her eligibility claim. *See* 8 C.F.R. § 1240.8(d) (alien bears the burden of establishing eligibility for requested relief).

We do not consider the new evidence Duran-Santiago seeks to introduce with her petition for review. *See Chouchkov v. INS*, 220 F.3d 1077, 1080 (9th Cir. 2000) (review limited to the administrative record).

PETITION FOR REVIEW DENIED.