

JUN 03 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE JERONIMO LOMELI
VILLALPANDO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73037

Agency No. A021-177-667

MEMORANDUM*

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

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Jose Jeronimo Lomeli Villalpando, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") 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

* 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).

by clear, unequivocal, and convincing evidence that [Lomeli Villalpando] 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 supports the BIA’s determination that the government met its burden of showing Lomeli Villalpando abandoned his lawful permanent resident status where the record does not compel the conclusion that he continuously intended to return promptly to the United States during the years he lived abroad. *See Chavez-Ramirez v. INS*, 792 F.2d 932, 937 (9th Cir. 1986) (alien’s trip abroad is temporary only if he has a “continuous, uninterrupted intention to return to the United States during the entirety of his visit”); *Singh v. Reno*, 113 F.3d 1512, 1514 (9th Cir. 1997) (“The relevant intent is not the intent to return ultimately, but the intent to return to the United States within a relatively short period.”).

Lomeli Villalpando’s remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.