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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SALUSTIANO JOHN DELA CRUZ DOUGLAS, a.k.a. John Douglas,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 09-70961

Agency No. A098-023-331

MEMORANDUM*

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

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Salustiano John Dela Cruz Douglas, a native and citizen of the Philippines, petitions pro se 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. We review de novo claims of United States

* 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).

citizenship, *Martinez-Madera v. Holder*, 559 F.3d 937, 940 (9th Cir. 2009), and we deny the petition for review.

Douglas’s Filipino birth certificate provides evidence of his foreign birth, gives rise to a rebuttable presumption of alienage, and shifts the burden of proof to Douglas to establish U.S. citizenship. *Id.* The BIA correctly determined that Douglas could not establish citizenship under former 8 U.S.C. § 1401(a)(7) (1978). *See id.* at 941 (8 U.S.C. §1401 confers citizenship on a child born abroad only if his alien parent and U.S. citizen parent were married at the time of his birth). Contrary to Douglas’s contention, he also cannot establish citizenship under 8 U.S.C. § 1409. *See* 8 U.S.C. § 1409(a)(1) (a child born out of wedlock acquires citizenship from his U.S. citizen father if, among other things, “a blood relationship between the [child] and the father is established by clear and convincing evidence”).

Douglas’s remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.