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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>QIANYUE WU,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-71423

Agency No. A095-649-009

MEMORANDUM*

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

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Qianyue Wu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' decision dismissing his appeal from an immigration judge's removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Vasquez v. Holder*,

* 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).

602 F.3d 1003, 1009 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's finding of marriage fraud under 8 U.S.C. § 1227(a)(1)(G) where Wu's testimony failed to show that he and his former spouse intended to establish a life together at the time they were married. *See Nakamoto v. Ashcroft*, 363 F.3d 874, 882 (9th Cir. 2004).

We lack jurisdiction to review Wu's claim for relief under 8 U.S.C. § 1227(a)(1)(H) because he failed to raise it before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (this court lacks jurisdiction to review contentions not raised before the agency).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.