

MAR 15 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARTISIA YESENIA ALCAZAR-GONZALEZ,</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>
--

No. 07-74469

Agency No. A095-176-434

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Artisia Yesenia Alcazar-Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to remand to present new evidence in support of her application for

* 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).

cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to remand, *Romero-Ruiz v. Mukasey*, 538 F.3d 1057, 1062 (9th Cir. 2008), and we grant the petition for review and remand for further proceedings.

The BIA abused its discretion in denying Alcazar-Gonzalez's motion to remand where the new evidence she presented with her motion was sufficient under *In re Recinas*, 23 I. & N. Dec. 467 (BIA 2002), to establish prima facie eligibility for cancellation of removal. See *Fernandez v. Gonzales*, 439 F.3d 592, 600 n.6 (9th Cir. 2006) (to establish a prima facie case, petitioner must show a reasonable likelihood of satisfying the statutory requirements for relief).

We therefore grant the petition for review and remand to the BIA with instructions to remand to the immigration judge for a new hearing on Alcazar-Gonzalez's cancellation application.

PETITION FOR REVIEW GRANTED; REMANDED.