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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA E. RODAS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-71524

Agency No. A073-969-455

MEMORANDUM*

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

Submitted March 29, 2012**

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

Maria E. Rodas, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review

* 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).

de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), except to the extent that deference is owed to the BIA's determination of the governing statutes and regulations, *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We review for substantial evidence the agency's factual findings. *Santos-Lemus v. Mukasey*, 542 F.3d 738, 742 (9th Cir. 2008). We grant the petition for review and remand.

Rodas claims she is eligible for asylum and withholding of removal based on membership in a particular social group of women in Guatemala who are the victims of domestic violence. The IJ rejected Rodas' social group before the Attorney General's decision in *Matter of R-A-*, 24 I. & N. Dec. 629 (BIA 2008) (lifting stay and remanding petitioner's claims based on domestic violence for further proceedings), and the BIA did not address *Matter of R-A-* in its decision. In light of the Attorney General's decision in *Matter of R-A-*, and in light of our intervening decision in *Perdomo v. Holder*, 611 F.3d 662, 669 (9th Cir. 2010) (remanding for the agency to determine "whether women in Guatemala constitute a particular social group, and, if so, whether [petitioner] has demonstrated a fear of persecution" on account of her membership in a protected group), we grant Rodas' petition for review and remand for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.