

APR 23 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIME PIMENTEL HERRERA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 09-71487

Agency No. A075-193-153

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Jaime Pimentel Herrera, 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 decision denying his application for cancellation of removal.

We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law,

* 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).

Vasquez de Alcantar v. Holder, 645 F.3d 1097, 1099 (9th Cir. 2011), and we deny the petition for review.

The BIA properly concluded that Pimentel Herrera was ineligible for cancellation of removal because he lacked seven years of continuous residence in the United States after being “admitted in any status.” *See* 8 U.S.C. § 1229b(a)(2); *Vasquez de Alcantar*, 645 F.3d at 1103 (filing an application for adjustment of status does not confer admission); *see also Guevara v. Holder*, 649 F.3d 1086, 1094 (9th Cir. 2011) (a grant of work authorization does not confer admission).

PETITION FOR REVIEW DENIED.