

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 03 2012

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

ABRAHAM MENDIOLA-SANCHEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71522

Agency No. A096-543-546

ORDER

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

The government's petition for panel rehearing is granted.

The memorandum disposition filed on June 9, 2011, is withdrawn. A replacement memorandum disposition is filed concurrently with this order.

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NOT FOR PUBLICATION

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No. 08-71522

Agency No. A096-543-546

MEMORANDUM*

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

Submitted May 24, 2011**

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

Abraham Mendiola-Sanchez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeal’s (“BIA”) order dismissing his appeal from an immigration judge’s order pretermining his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

* 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).

questions of law, *Gil v. Holder*, 651 F.3d 1000, 1002 (9th Cir. 2011), and we deny the petition for review.

The BIA did not err in determining that Mendiola-Sanchez may not impute his father's lawful permanent residence for purposes of meeting the requirements of 8 U.S.C. § 1229b(a)(1)-(2). *See Sawyers v. Holder*, — F.3d —, 2012 WL 2507513 (9th Cir. June 29, 2012) (per curiam).

PETITION FOR REVIEW DENIED.