

AUG 14 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OMAR MANUEL MONARREZ GUERRERO,</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. 11-70704

Agency No. A096-694-812

MEMORANDUM*

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

Submitted August 8, 2012**

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

Omar Manuel Monarrez Guerrero, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his 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 substantial evidence the agency's factual findings, *Gutierrez v. Mukasey*, 521 F.3d 1114, 1116 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the agency's determination that Monarrez Guerrero failed to establish the requisite ten years of continuous physical presence for cancellation of removal where he repeatedly testified that he first entered the United States on December 12, 1997, and he was served with a Notice to Appear less than ten years later. *See* 8 U.S.C. § 1229b(b)(1)(A). Monarrez Guerrero's contention that he continued to accrue presence until his final hearing before the IJ is unavailing. *See id.* § 1229b(d)(1)(A) (period of continuous physical presence ends upon service of Notice to Appear).

We need not address Monarrez Guerrero's contentions concerning the remaining requirements for cancellation of removal.

PETITION FOR REVIEW DENIED.