

DEC 21 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JULIAN CLARO-AGUSTIN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 08-70708

Agency No. A077-059-377

MEMORANDUM\*

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

Submitted December 19, 2012\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Julian Claro-Agustin, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s decision denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Vasquez*

---

\* 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 Alcantar v. Holder*, 645 F.3d 1098, 1099 (9th Cir. 2011), and we deny the petition for review.

The agency properly concluded that Claro-Agustin 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 1102-03 (an applicant for adjustment of status who entered without inspection is not admitted in any status until his application is approved).

**PETITION FOR REVIEW DENIED.**