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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ERIKA ALDANA DE MARQUEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-71724

Agency No. A077-976-771

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.

Erika Aldana de Marquez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, and review de

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\* 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).

novo questions of law. *Rodriguez-Echeverria v. Mukasey*, 534 F.3d 1047, 1050 (9th Cir. 2008). We deny the petition for review.

Substantial evidence supports the agency's determination that Aldana de Marquez knowingly encouraged and assisted another alien in seeking entry to the United States in violation of law. *See* 8 U.S.C. § 1182(a)(6)(E)(i); *Altamirano v. Gonzales*, 427 F.3d 586, 592 (9th Cir. 2005) (requiring an affirmative act of assistance or encouragement in order to establish alien smuggling).

Contrary to Aldana de Marquez's contention, the agency's admission of the Form I-213, Record of Deportable/Inadmissible Alien, was fundamentally fair. *See Espinoza v. INS*, 45 F.3d 308, 310 (9th Cir. 1995) (admission of Form I-213 is fair absent evidence of coercion or that the statements do not belong to petitioner).

Aldana de Marquez's claim under 8 C.F.R. § 287.3(c) is unavailing. *See Samayoa-Martinez v. Holder*, 558 F.3d 897 (9th Cir. 2009).

**PETITION FOR REVIEW DENIED.**