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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSEPH HOWARD LUDENA
MENDOZA, a.k.a. Josph H. Ludena,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-70071

Agency No. A087-193-376

MEMORANDUM*

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

Submitted January 21, 2014**

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

Joseph Howard Ludena Mendoza, a native and citizen of Peru, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal of an immigration judge’s decision denying his application for adjustment of status. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions

* 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).

of law, and for substantial evidence the agency's factual determinations.

Hernandez v. Ashcroft, 345 F.3d 824, 832 (9th Cir. 2003). We deny the petition for review.

Substantial evidence supports the BIA's determinations that Ludena Mendoza failed to establish he had been inspected and admitted into the United States, and that Ludena Mendoza therefore is not eligible for adjustment of status. *See* 8 U.S.C. § 1255(a) (setting forth requirements for adjustment of status); 8 C.F.R. § 1240.8(d) (stating that applicant bears the burden of establishing eligibility for relief from removal).

Ludena Mendoza's claim that the agency employed an unclear standard and failed to develop the record is unsupported by the record.

PETITION FOR REVIEW DENIED.