

JAN 27 2016

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARCOS SANCHEZ-MACIAS,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71948

Agency No. A087-744-542

MEMORANDUM*

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

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Marcos Sanchez-Macias, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") final order of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence findings of fact, *Gutierrez v.*

* 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).

Mukasey, 521 F.3d 1114, 1116 (9th Cir. 2008), and we deny the petition for review.

Substantial evidence supports the agency's determination that Sanchez-Macias failed to establish the requisite ten years of continuous physical presence in the United States for cancellation of removal, where his testimony and record evidence supported the agency's finding that Sanchez-Macias knowingly and voluntarily accepted voluntary departure in lieu of removal proceedings in 2009. *See* 8 U.S.C. § 1229b(b)(1)(A); *Gutierrez*, 521 F.3d at 1117-18 (acceptance of voluntary departure terminates physical presence if petitioner understood he had the right to go before an IJ and chose to depart instead).

In light of this disposition, we need not reach Sanchez-Macias' remaining contentions regarding his equities in the United States, his credibility, whether he demonstrated good moral character, or whether he made a false claim of United States citizenship.

PETITION FOR REVIEW DENIED.