

MAR 15 2017

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA ALICIA JUANA DURAN
MARTINEZ, AKA Alicia Duran, AKA
Juana Martinez,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-72975

Agency No. A200-306-002

MEMORANDUM*

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

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Maria Alicia Juana Duran Martinez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's order of removal. We have jurisdiction under 8 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1252. We review de novo questions of law and for substantial evidence factual findings. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency correctly concluded that Duran Martinez was statutorily ineligible for adjustment of status under 8 U.S.C. § 1255(i) because she is inadmissible under 8 U.S.C. § 1182(a)(9)(C)(i)(I), where substantial evidence supports the agency's determination that she reentered the United States without being admitted, after previously accruing more than one year of unlawful presence. *See Garfias-Rodriguez v. Holder*, 702 F.3d 504, 513-14 (9th Cir. 2012) (en banc). Contrary to Duran Martinez's contention, the agency did not rely on her witness's testimony in making that determination.

PETITION FOR REVIEW DENIED.