FILED

JUN 10 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTHA ANGELICA SANCHEZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-70649 Agency No. A072-404-012 MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Martha Angelica Sanchez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's ("IJ") decision denying her application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial

---

* 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).

evidence a finding of statutory ineligibility for cancellation of removal based on a lack of good moral character, *Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005), *overruled on other grounds by Sanchez v. Holder*, 560 F.3d 1028 (9th Cir. 2009) (en banc), and for clear error whether or not a person has the subjective intent to deceive in order to obtain immigration benefits, *United States v. Hovsepian*, 422 F.3d 883, 885 (9th Cir. 2005) (en banc). We deny the petition for review.

Substantial evidence supports the agency's conclusion that Sanchez gave false testimony to obtain an immigration benefit. *See* 8 U.S.C. § 1101(f)(6) (applicant who has given false testimony to obtain an immigration benefit is ineligible for relief that requires a showing of good moral character). Sanchez testified to the IJ and the asylum officer that she had not been arrested or convicted, despite her 1991 arrest and conviction for falsely claiming United States citizenship and attempted illegal re-entry. *See Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001) (false testimony to asylum officer established lack of good moral character). The IJ's account of the evidence was plausible in light of the record viewed in its entirety. *See Hovsepian*, 422 F.3d at 885-86.

PETITION FOR REVIEW DENIED.