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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICARDO GUARDIANO, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-72305 Agency No. A046-814-674 MEMORANDUM[*]

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

Submitted January 10, 2011[**]

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Ricardo Guardiano, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

[*] 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).

questions of law, *Mercado-Zazueta v. Holder*, 580 F.3d 1102, 1104 (9th Cir. 2009), and we deny the petition for review.

The BIA properly concluded that Guardiano was statutorily ineligible for cancellation of removal because he could not establish seven years of continuous residence in the United States after being "admitted in any status." *See* 8 U.S.C. § 1229b(a)(2). Guardiano's contention that his mother's admission to the United States may be imputed to him is unavailing. *See Cuevas-Gaspar v. Gonzales*, 430 F.3d 1013, 1029 (9th Cir. 2005) ("[F]or purposes of satisfying the seven-years of continuous residence 'after having been admitted in any status' required for cancellation of removal under 8 U.S.C. § 1229b(a), a parent's admission for permanent resident status is imputed to the parent's unemancipated minor children *residing with the parent*.") (emphasis added).

PETITION FOR REVIEW DENIED.