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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CARLOS GARCIA-AYALA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71239

Agency No. A200-626-395

MEMORANDUM*

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

Submitted March 15, 2016**

Before: GOODWIN, LEAVY, and CHRISTEN, Circuit Judges.

Juan Carlos Garcia-Ayala, 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 decision denying his 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 factual determinations, and we review de novo questions of law.

Najmabadi v. Holder, 597 F.3d 983, 986 (9th Cir. 2010). We deny the petition for review.

Garcia-Ayala is statutorily barred from establishing good moral character in order to qualify for cancellation of removal, where substantial evidence supports the BIA's determination that he engaged in an affirmative act in support of alien smuggling. *See* 8 U.S.C. §§ 1101(f)(3), 1182(a)(6)(E)(I), 1229b(b)(1)(B); *Urzua Covarrubias v. Gonzales*, 487 F.3d 742, 747-49 (9th Cir. 2007) (alien smuggling finding supported by substantial evidence where the petitioner's collecting of money and payment to a smuggler upon delivery of his brother provided "an affirmative act of help, assistance, or encouragement" (citation and quotation marks omitted)).

Garcia-Ayala's contention that the BIA failed to provide adequate reasoning in making the smuggling determination is without merit. *See Najmabadi*, 597 F.3d at 990 ("What is required is merely that [the agency] consider the issues raised, and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted." (citation and quotation marks omitted)).

PETITION FOR REVIEW DENIED.