

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 18 2018

FOR THE NINTH CIRCUIT

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

FAYCAL BIREM,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-73480

Agency No. A055-042-094

MEMORANDUM*

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

Submitted June 12, 2018**

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges.

Faycal Birem, a native and citizen of Algeria, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252. "[W]e review for whether substantial evidence supports a finding by clear, unequivocal, and

* 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).

convincing evidence that [Birem] abandoned his lawful permanent residence in the United States.” *Khodagholian v. Ashcroft*, 335 F.3d 1003, 1006 (9th Cir. 2003).

We deny the petition for review.

Substantial evidence supports the agency’s determination that the government met its burden of showing that Birem abandoned his lawful permanent resident status, where the record does not compel the conclusion that Birem had a continuous, uninterrupted intention to return to the United States during the eight years he lived in Algeria. *See Chavez-Ramirez v. INS*, 792 F.2d 932, 937 (9th Cir. 1986) (alien’s trip abroad is temporary only if he has a “continuous, uninterrupted intention to return to the United States during the entirety of his visit”); *cf. Khodagholian*, 335 F.3d at 1007-09.

PETITION FOR REVIEW DENIED.