

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 6 2020

FOR THE NINTH CIRCUIT

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

PEDRO TRUJILLO-RODRIGUEZ,

No. 18-72625

Petitioner,

Agency No. A205-054-215

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted February 4, 2020**

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

Pedro Trujillo-Rodriguez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' 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 evidence the agency's factual findings. *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir.

* 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).

2008). We deny the petition for review.

Substantial evidence supports the agency's determination that Trujillo-Rodriguez cannot establish the requisite ten years of continuous physical presence for cancellation of removal, where a signed Form I-826 from 2011 indicates that he accepted voluntary return in lieu of appearing before an immigration judge. *See* 8 U.S.C. § 1229b(b)(1)(A); *Gutierrez v. Mukasey*, 521 F.3d 1114, 1117-18 (9th Cir. 2008) (a voluntary departure breaks continuous physical presence, but the record must contain some evidence that the alien was informed of and accepted the terms of the voluntary departure agreement).

Trujillo-Rodriguez's contention that his acceptance of voluntary return was not knowing and voluntary is not supported by the record. *See Valadez-Munoz v. Holder*, 623 F.3d 1304, 1312 (9th Cir. 2010) (voluntary departure was accepted "knowingly and voluntarily" where applicant chose voluntary departure and signed document expressly waiving his right to appear before an immigration judge).

PETITION FOR REVIEW DENIED.