

APR 18 2011

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUAN MANUEL RODRIGUEZ
RODRIGUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-71727

Agency No. A074-811-313

MEMORANDUM*

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

Argued and Submitted April 11, 2011
San Francisco, California

Before: FERNANDEZ and RAWLINSON, Circuit Judges, and WELLS, Senior
District Judge.**

Juan Manuel Rodriguez Rodriguez (Rodriguez) petitions for review of the
Board of Immigration Appeals' ruling affirming the decision of an Immigration

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Lesley Wells, Senior District Judge for the United
States District Court, Northern District of Ohio, sitting by designation.

Judge (IJ) that Rodriguez failed to meet the continuous physical presence requirement to qualify for cancellation of removal.

Substantial evidence supports the agency's finding that the notice to appear (NTA) was properly served on Rodriguez in 1998 by mailing it to his last known address, in Los Angeles. Pursuant to 8 U.S.C. § 1229(a)(1), the NTA may be served upon the alien or the alien's representative. There was substantial evidence in the record to establish that the NTA was mailed to the address provided by Rodriguez's representative. In turn, service of the NTA halted the accrual of time counted toward the ten-year continuous physical presence requirement for cancellation of removal. *See Lagandaon v. Ashcroft*, 383 F.3d 983, 988 (9th Cir. 2004).

PETITION DENIED.