

SEP 23 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YOON HO KIM,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-72419

Agency No. A070-971-332

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Yoon Ho Kim, a native and citizen of South Korea, 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. We review de novo questions of law and claims of due process violations,

* 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).

Lopez-Umanzor v. Gonzales, 405 F.3d 1049, 1053 (9th Cir. 2005), and we deny the petition for review.

We reject Kim’s contention that the government should be equitably estopped from ordering his removal. Because “the government is not bound by the unauthorized acts of its agents,” Kim cannot show “affirmative misconduct going beyond mere negligence” on the part of the government to warrant estoppel.

Watkins v. U.S. Army, 875 F.2d 699, 707 (9th Cir. 1989) (en banc) (internal quotation marks omitted); *see also Shin v. Mukasey*, 547 F.3d 1019, 1022 (9th Cir. 2008) (“[T]he government cannot be saddled with the felonious, unauthorized issuance of residency documentation by a thieving employee.”).

We find no defects amounting to a due process violation. *See Shin*, 547 F.3d at 1024-25; *Hong v. Mukasey*, 518 F.3d 1030, 1035-36 (9th Cir. 2008).

PETITION FOR REVIEW DENIED.