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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMERICA JEANNETTE DE LEON
COLOCHO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71931

Agency No. A044-804-462

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

America Jeannette de Leon Colocho, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s (“IJ”) removal order. We have

* 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).

jurisdiction under 8 U.S.C. § 1252. “[W]e review for whether substantial evidence supports a finding by clear, unequivocal and convincing evidence that [Colocho] abandoned [her] 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 Colocho abandoned her lawful permanent resident status because the record does not compel the conclusion that she intended to promptly return to the United States during the seven years she lived in El Salvador. *See Singh v. Reno*, 113 F.3d 1512, 1514 (9th Cir. 1997) (stating that “[t]he relevant intent is not the intent to return ultimately, but the intent to return to the United States within a relatively short period”).

We agree with the agency that *Khodagholian* is distinguishable. *See Khodagholian*, 335 F.3d at 1007-08 (petitioner had a continuous, uninterrupted intent to return to the U.S. based on evidence he sought to sell assets and wind up his affairs while in Iran and during one six-month visit cared for a terminally ill mother and orphaned nephews).

Colocho's contentions that the IJ applied the incorrect burden of proof and that the BIA abused its discretion by failing to consider all of the relevant factors is belied by the record.

PETITION FOR REVIEW DENIED.