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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA LUISA SARABIA
RODRIGUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73515

Agency Nos. A095-447-730

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.

Maria Luisa Sarabia Rodriguez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for cancellation of removal.

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence

* 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).

findings of fact, *Urzua Covarrubias v. Gonzales*, 487 F.3d 742, 744 (9th Cir. 2007), and review de novo questions of law, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir.2005). We deny the petition for review.

Substantial evidence supports the agency's determination that Sarabia Rodriguez was ineligible for cancellation of removal as an alien smuggler for knowingly attempting to smuggle her brother into the United States. *See* 8 U.S.C. § 1182(a)(6)(E)(i); *Altamirano*, 427 F.3d at 592; *see also Gui v. INS*, 280 F.3d 1217, 1225 (9th Cir. 2002).

Sarabia Rodriguez's due process rights were not violated by the admission of her brother's sworn statement and his Form I-213 Record of Deportable/ Inadmissible Alien because the documents were probative and their admission was fundamentally fair. *See Espinoza v. INS*, 45 F.3d 308, 310-11 (9th Cir. 1995); *Hernandez-Guadarrama v. Ashcroft*, 394 F.3d 674, 681 (9th Cir. 2005).

Sarabia Rodriguez's contention that her statement to border officers was the result of coercion is unavailing because the agency did not rely on her statement.

PETITION FOR REVIEW DENIED.