

MAR 29 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALFREDO REYES-VERASTICA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-70887

Agency No. A092-519-090

MEMORANDUM\*

On Petition for Review of an Order of the  
former Legalization Appeals Unit

Submitted March 8, 2011\*\*

Before: FARRIS, O’SANNLAIN, and BYBEE, Circuit Judges.

Alfredo Reyes-Verastica, a native and citizen of Mexico, petitions for review of the former Legalization Appeals Unit’s (“LAU”) order dismissing his appeal from the denial of his application for temporary resident status as a Special Agricultural Worker (“SAW”). We have jurisdiction under 8 U.S.C. §§ 1160(e)(3)

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\* 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).

and 1252. Reviewing for abuse of discretion, *Perez-Martin v. Ashcroft*, 394 F.3d 752, 758 (9th Cir. 2005), we deny the petition for review.

The LAU did not abuse its discretion in dismissing Reyes-Verastica's SAW appeal where he provided insufficient evidence to establish that he performed qualifying agricultural work during the statutory time period. *See id.* at 759-60 (to overcome derogatory government evidence, SAW applicant must provide sufficient evidence to show qualifying employment "as a matter of just and reasonable inference") (quoting 8 U.S.C. § 1160(b)(3)(B)(iii)).

**PETITION FOR REVIEW DENIED.**