

APR 23 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GABRIEL GARCIA GONZALEZ,

Petitioner,

v.

ERIC H. HOLDER, Attorney General,

Respondent.

No. 06-75327

Agency No. A079-538-337

MEMORANDUM*

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

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

Gabriel Garcia Gonzalez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his 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).

the agency's continuous physical presence determination, *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847, 850-51 (9th Cir. 2004), and review de novo questions of law, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the agency's conclusion that Garcia Gonzalez did not meet his burden of establishing continuous physical presence because Garcia Gonzalez repeatedly testified that he did not enter the United States until 1997, four years before his Notice to Appear was issued. *See* 8 U.S.C. § 1229b(b)(1)(A).

Garcia Gonzalez's equal protection challenge regarding the Nicaraguan Adjustment and Central American Relief Act is foreclosed by our decision in *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 602-03 (9th Cir. 2002).

Gonzalez's remaining contentions are not supported by the record.

PETITION FOR REVIEW DENIED.