

JAN 25 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROSENDO GARCIA AMBRIZ; DORA
LETICIA GARCIA; SILVIA GARCIA
GUZMAN,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-75789

Agency Nos. A075-752-430

A075-752-431

A075-752-432

MEMORANDUM *

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

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Petitioners Rosendo Garcia Ambriz, Dora Leticia Garcia, and Silvia Garcia
Guzman, natives and citizens of Mexico, petition for review of the Board of

* 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).

Immigration Appeals' ("BIA") order dismissing their appeal from an Immigration Judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), and we grant the petition for review.

The agency declined to entertain Garcia Ambriz's request to consider additional evidence in support of his cancellation of removal application without the benefit of our decision in *Fernandes v. Holder*, 619 F.3d 1069, 1074 (9th Cir. 2010) ("[T]he IJ's jurisdiction on remand from the BIA is limited only when the BIA expressly retains jurisdiction and qualifies or limits the scope of the remand to a specific purpose."). *See also Matter of M-D-*, 224 I. & N. Dec. 138, 141-42 (BIA 2007) (IJ has authority to consider additional evidence on remand "if it is material, was not previously available, and could not have been discovered or presented at the former hearing."). We therefore remand for proceedings consistent with this disposition.

PETITION FOR REVIEW GRANTED; REMANDED.