

MAR 01 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SIMON GUADALUPE ALVEREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-74085

Agency No. A072-279-079

MEMORANDUM*

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

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Simon Guadalupe Alvarez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) 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 de novo

* 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).

questions of law, *Vasquez de Alcantar v. Holder*, 645 F.3d 1097, 1099 (9th Cir. 2011), and we deny the petition for review.

The BIA properly concluded that Alvarez was ineligible for cancellation of removal because he lacked seven years of continuous residence in the United States after being “admitted in any status.” *See* 8 U.S.C. § 1229b(a)(2); 8 U.S.C. § 1101(a)(12)(B) (parole is not considered admission); *Vasquez de Alcantar*, 645 F.3d at 1102 (filing an application for adjustment of status does not constitute “admitted in any status”).

PETITION FOR REVIEW DENIED.