

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 26 2015

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

MARTIN CARDOZA-SEPULVEDA,
AKA Martin Lugo Morales,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73638

Agency No. A041-104-474

MEMORANDUM*

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

Submitted March 11, 2015**
San Francisco California

Before: CALLAHAN, M. SMITH, and WATFORD, Circuit Judges.

Martin Cardoza-Sepulveda appeals from the BIA's determination that because he failed to establish that he is a United States citizen, his motion to terminate deportation proceedings was properly denied. Because the parties are

* 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).

familiar with the facts and procedural history of this case, we repeat only those facts necessary to resolve the issues raised on appeal. We deny the petition for review.

“[T]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981). Cardoza-Sepulveda has conceded that he is not a United States citizen by birth under INA § 301(a)(7), 8 U.S.C. § 1401(a)(7)(1964), because his father, a United States citizen at birth, was not physically present in the United States for the time required by the statute – ten years, five of which were after the age of 14 – prior to Cardoza-Sepulveda’s birth. Additionally, Cardoza-Sepulveda does not make the argument that he or his father naturalized under INA § 316(a), 8 U.S.C. § 1427(a), or that either of them satisfied the requirements necessary for naturalization. *See, e.g.*, INA § 312(a), 8 U.S.C. § 1423(a); INA § 313, 8 U.S.C. § 1424; INA § 337, 8 U.S.C. § 1448. Therefore, Cardoza-Sepulveda is not a citizen under INA § 321(a), 8 U.S.C. § 1432(a) (enacted 1988)(repealed 2000), because his father was a citizen at birth, not through naturalization. Because Cardoza-Sepulveda is not a United States citizen, his motion to terminate deportation proceedings was properly denied.

PETITION FOR REVIEW DENIED.