

DEC 10 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR EZEQUIEL GODINEZ,

Petitioner,

v.

MICHAEL B. MUKASEY,\*\* Attorney  
General,

Respondent.

No. 04-72530

Agency No. A72-279-192

MEMORANDUM\*

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

Submitted December 3, 2007\*\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

\*\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Victor Ezequiel Godinez, a native and citizen of Mexico and lawful permanent resident of the United States, petitions for review of the Board of Immigration of Appeals' order summarily affirming an immigration judge's ("IJ") decision finding him inadmissible and removable for participating in alien smuggling. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005), we deny the petition for review.

Contrary to Godinez's contention, the statements made to immigration officials by the alien Godinez attempted to drive across the border were admissible. The government submitted at least one letter, with a signed certificate of service bearing the witness's last address of record in Mexico, that requested the witness appear at the hearing to testify and provided paroled entry for that purpose. *Cf. Hernandez-Guadarrama*, 394 F.3d 674, 681-82 (9th Cir. 2005) (government failed to satisfy its obligation to make reasonable efforts to produce witness where government deported hearsay declarant and then made no effort to produce the witness). Godinez has pointed to no evidence to convince us that the statements were the result of coercion. *See Cuevas-Ortega v. INS*, 588 F.2d 1274, 1278 (9th Cir. 1979) ("the bare assertion that a statement is involuntary is insufficient" to prove coercion).

The immigration official, who interviewed the alien Godinez attempted to drive across the border, testified that the alien stated she obtained the false document she presented at the border through an arrangement with Godinez. Moreover, the IJ articulated specific and cogent reasons for crediting the smuggler's statements contained in the I-213 and Record of Sworn Statement over the testimony of Godinez and his witness. *See Gui v. INS*, 280 F.3d 1217, 1225 (9th Cir. 2002). Accordingly, substantial evidence supports the IJ's conclusion that Godinez knowingly assisted the alien's attempted entry into the United States in violation of law and was therefore inadmissible and removable. *See Moran v. Ashcroft*, 395 F.3d at 1092; 8 U.S.C. § 1182(a)(6)(E)(i).

**PETITION FOR REVIEW DENIED.**