

DEC 10 2007

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUBEN RANGEL RANGEL  
CASTANEDA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-75993

Agency No. A77-960-344

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.

Ruben Castaneda, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order adopting and affirming an immigration judge's ("IJ") decision finding him removable under 8 U.S.C. § 1227(a)(1)(E)(i)

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

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

for alien smuggling. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations. *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001). We deny the petition for review.

Contrary to Canstaneda's contention, the IJ did not violate his right to due process by admitting the government-prepared forms where Castanenda did not provide credible evidence casting doubt on their reliability. *See Espinoza v. INS*, 45 F.3d 308, 310 (9th Cir. 1995) (holding that a government-prepared form is admissible where alien produces no probative evidence casting doubt on its reliability). Likewise, Castaneda's inability to cross-examine the border patrol agent does not constitute a due process violation because Castaneda provided no credible evidence against which the content of the forms could be weighed. *Id.* at 311.

**PETITION FOR REVIEW DENIED.**