

MAR 25 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUDELINA GUTIERREZ-ARREYGUE;
MARIA FRAGA-GUTIERREZ; OMAR
FRAGA-GUTIERREZ; DIOSELINA
FRAGA-GUTIERREZ,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-73651

Agency Nos. A76-691-203
A76-691-204
A76-691-205
A76-691-206

MEMORANDUM *

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

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

* 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).

05-73651

Audelina Gutierrez-Arreygue and her children, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order affirming an immigration judge's ("IJ") decision denying their request to terminate removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's factual determinations, *Ordonez v. INS*, 345 F.3d 777, 782 (9th Cir. 2003), and de novo claims of due process violations, *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001). We deny the petition for review.

Substantial evidence supports the IJ's determination that the government did not engage in affirmative misconduct regarding how petitioners presented themselves to the government. Accordingly, the IJ did not err in refusing to terminate proceedings in light of petitioners' Freedom of Information Act ("FOIA") request.

Petitioners' due process claims are unpersuasive.

PETITION FOR REVIEW DENIED.