

JAN 28 2008

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SERGIO MARTIN REYNAGA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-72650

Agency No. A75-717-261

MEMORANDUM*

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

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Sergio Martin Reynaga, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order affirming an immigration judge's decision denying his application for cancellation of removal. We have

* 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).

jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *see Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001), we deny the petition for review.

During direct examination, Reynaga testified that his wife attempted to commit suicide due to his immigration problems, and later on cross examination, he admitted that this testimony was false. Substantial evidence supports the agency's finding that Reynaga did not timely or voluntarily recant the false testimony. *See Matter of Namio*, 14 I. & N. Dec. 412, 414 (BIA 1973).

Substantial evidence also supports the agency's finding that Reynaga provided false testimony with the intent to deceive for the purpose of obtaining an immigration benefit. Reynaga was therefore precluded from showing good moral character for cancellation of removal purposes. *See* 8 U.S.C. § 1101(f)(6); *see e.g., Ramos*, 246 F.3d at 1266.

PETITION FOR REVIEW DENIED.