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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OSCAR MENDOZA-SEGUNDO,</p> <p>Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p>Respondent.</p>
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No. 06-71007

Agency No. A77-355-219

MEMORANDUM\*

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

Submitted February 26, 2008\*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Oscar Mendoza-Segundo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision finding him ineligible for cancellation of

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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).

removal or adjustment of status. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005), and review for substantial evidence the agency’s findings of fact, *Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005). We deny the petition for review.

Contrary to Mendoza-Segundo’s contention, his participation in alien smuggling renders him inadmissible as an applicant for adjustment of status. *See* 8 U.S.C. §§ 1255(a)(2) (alien may adjust status only if admissible); 1182(a)(6)(E)(i) (“Any alien who at any time knowingly ... assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law is inadmissible”). He is not eligible for a waiver because the persons he assisted were not his “spouse, parent, son, or daughter.” *See* 8 U.S.C. § 1182(a)(6)(E)(ii). Moreover, the waiver provision of Immigration and Nationality Act section 212(h) is not applicable to him. *See* 8 U.S.C. § 1182(h).

Mendoza-Segundo’s contention that the BIA issued an improperly cursory order is not persuasive.

**PETITION FOR REVIEW DENIED.**