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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE DOMINGO MADUENO-
GONZALEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-74206

Agency No. A97-474-506

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.

Jose Domingo Madueno-Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from

* 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).

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an immigration judge's ("IJ") decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency's good moral character determination, *Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001), and de novo claims of due process violations, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

Substantial evidence supports the agency's determination that Madueno-Gonzalez provided false testimony for the purpose of obtaining an immigration benefit, thereby rendering him ineligible for cancellation of removal for lacking the requisite good moral character. *See* 8 U.S.C. § 1101(f)(6); *see also, Ramos*, 246 F.3d at 1266.

Contrary to Madueno-Gonzalez's contention, the IJ did not violate his due process rights by admitting the I-213 record of deportable/inadmissible alien, which documented his attempt to enter the United States by misrepresenting his identity and immigration status and which was supported by the preparing officer's testimony. *See Cuevas-Ortega v. INS*, 588 F.2d 1274, 1278 (9th Cir. 1979) (no due process violation because "the bare assertion that a statement is involuntary is insufficient" to prove coercion); *see also Espinoza v. INS*, 45 F.3d 308, 310 (9th

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Cir. 1995) (“The burden of establishing a basis for exclusion of evidence from a government record falls on the opponent of the evidence, who must come forward with enough negative factors to persuade the court not to admit it.”).

PETITION FOR REVIEW DENIED.