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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA SOCORRO AGASINO,

Petitioner - Appellant,

v.

COUNTY OF SANTA CLARA; et al.,

Respondents - Appellees.

No. 04-16038

D.C. No. CV-00-02253-VRW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Argued and Submitted April 11, 2005
San Francisco, California

Before: FERGUSON, NOONAN, and RYMER, Circuit Judges.

Maria Socorro Agasino, a native of the Philippines, appeals the district court's judgment denying her habeas corpus petition pursuant to 28 U.S.C. § 2241.

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

We construe her habeas petition as if it were a timely-filed petition for review with this court. *Alvarez-Barajas v. Gonzales*, 418 F.3d 1050, 1053 (9th Cir. 2005). So construed, we deny the petition.

Agasino challenges her removal on the footing that retroactive application of IIRIRA's¹ aggravated felony definition violates due process, and that IIRIRA's repeal of the discretionary relief from deportation previously available under INA § 212(c) is impermissibly retroactive when applied to crimes committed before the Act's effective date. She cites no relevant authority for the first proposition. In any event, it runs counter to long-standing recognition that Congress has power to legislate retroactively with respect to laws regarding deportation and discretionary relief from deportation. *See, e.g., Galvan v. Press*, 347 U.S. 522, 529-32 (1954); *see also Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1108-09 (9th Cir. 2003); *Aragon-Ayon v. INS*, 206 F.3d 847, 853 (9th Cir. 2000); *Magana-Pizano v. INS*, 200 F.3d 603, 612 (9th Cir. 1999); *United States v. Yacoubian*, 24 F.3d 1, 8 (9th Cir. 1994). Her second argument is foreclosed by *United States v. Velasco-Medina*, 305 F.3d 839 (9th Cir. 2002).

PETITION DENIED.

¹ The Illegal Immigration Reform and Immigrant Responsibility Act, Pub. Law No. 104-208, 110 Stat. 3009-546 (Sept. 30, 1996).