

SEP 04 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ELENA KUDINOVA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-76377

Agency No. A78-188-052

MEMORANDUM\*

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

Submitted August 26, 2008\*\*

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Elena Kudinova, a native and citizen of Georgia, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying her application for adjustment of status and ordering her

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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).

removed. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing de novo, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005), we deny in part and dismiss in part the petition for review.

Contrary to Kudinova's contention, the government met its burden of establishing Kudinova's removability by clear and convincing evidence. Kudinova provided evidence that she entered the United States on December 4, 1998 with authorization to stay for six months, and the record shows that she received an extension to remain until December 3, 1999, but she did not depart or gain lawful status by that date. *See* 8 U.S.C. § 1229a(c)(3)(A); *Altamirano*, 427 F.3d at 590. The IJ therefore properly found Kudinova removable under 8 U.S.C. § 1227(a)(1)(B).

We lack jurisdiction to review Kudinova's challenge to the agency's July 26, 2001 decision denying the I-130 immediate relative visa petition filed by her husband. *See* 8 U.S.C. § 1252.

Kudinova's remaining contentions are unpersuasive.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**