

JAN 22 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE MANUEL MELCHOR
VELAZQUEZ; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-75438

Agency Nos. A079-519-635
A079-519-636
A079-519-638

MEMORANDUM *

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

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Jose Manuel Melchor Velazquez, Monica Esqueda Pena, and their son Irvin
Melchor Esqueda, natives and citizens of Mexico, petition for review of the Board

* 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).

of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their applications for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence the agency's continuous physical presence determination. *Lopez-Alvarado v. Ashcroft*, 381 F.3d 847, 851 (9th Cir. 2004). We deny the petition for review.

Substantial evidence supports the agency's determination that petitioners did not meet their burden to establish continuous physical presence where they failed to provide adequate supporting documentation attesting to their presence in the United States prior to 1992. *See* 8 U.S.C. § 1229b(b)(1)(A); *cf. Lopez-Alvarado*, 381 F.3d at 854.

PETITION FOR REVIEW DENIED.