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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALVARADO HERRERA CORADO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-74482

Agency No. A79-525-680

MEMORANDUM*

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

Submitted April 21, 2009**

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

Alvarado Herrera Corado, a native and citizen of Guatemala, petitions pro se for review of an order of the Board of Immigration Appeals (“BIA”) upholding an Immigration Judge’s decision denying his application for cancellation of removal.

* 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).

Corado sought cancellation of removal based on hardship to his two United States citizen children, one of whom suffers from asthma. The Immigration Judge denied Corado's application after determining that Corado failed to establish that his removal would result in exceptional and extremely unusual hardship to a qualifying relative. The BIA, in affirming the Immigration Judge's decision, erroneously referred to Corado's country of origin as Mexico rather than Guatemala. The BIA then determined that Corado had failed to establish that his son's asthma could not be treated in Mexico. The BIA's error in referring to the wrong country of origin is an error of law which we have jurisdiction to review under *Figueroa v. Mukasey*, 543 F.3d 487, 497 (9th Cir. 2008). Because the BIA's decision erroneously considered whether Corado's son could be adequately treated for his asthma in Mexico, when the issue is whether he can be treated in Guatemala, we grant the petition for review and remand to the BIA for further proceedings.

**PETITION FOR REVIEW GRANTED; REVERSED AND
REMANDED.**