

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 24 2009

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

OSCAR LIMON-FITCH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-72535

Agency No. A076-705-265

MEMORANDUM*

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

Submitted April 13, 2009**

Before: GRABER, GOULD, and BEA, Circuit Judges.

Oscar Limon-Fitch, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review de novo questions of law, *Hughes v. Ashcroft*, 255 F.3d 752, 755 (9th Cir. 2001), and we deny the petition for review.

The IJ did not err in concluding that Limon-Fitch did not acquire United States citizenship at birth from his mother. *See* 8 U.S.C. § 1401(a)(7)(1954); *Runnett v. Shultz*, 901 F.2d 782, 783 (9th Cir. 1990) (theory of constructive residence does not apply in citizenship transmission case).

PETITION FOR REVIEW DENIED.