FILED

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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| HYE WON KIM,<br><br>Petitioner,<br><br>v.<br><br>ERIC H. HOLDER Jr., Attorney General,<br><br>Respondent. | No. 07-73382<br><br>Agency No. A070-972-652<br><br>MEMORANDUM[*] |

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

Submitted July 29, 2009[**]

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Hye Won Kim, a native and citizen of South Korea, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an

[*] 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).

immigration judge's order of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

We reject Kim's contention that the government failed to establish removability by clear and convincing evidence, because Kim conceded removability. *See Shin v. Mukasey*, 547 F.3d 1019, 1024 (9th Cir. 2008).

We also reject Kim's contention that the government should be equitably estopped from ordering her removed. Although a government employee, Leland Sustaire, issued the fraudulent alien registration card, and Kim was merely a derivative beneficiary, the record shows Kim's father was not "ignorant of the true facts" when he procured the card, *id.* at 1025, and, "[i]n any event, estoppel against the government is unavailable where petitioners have not lost any rights to which they were entitled." *Sulit v. Schiltgen*, 213 F.3d 449, 454 (9th Cir. 2000).

Finally, we find no defects amounting to a due process violation. *See Shin* at 1024-25; *Hong v. Mukasey*, 518 F.3d 1030, 1035-36 (9th Cir. 2008).

**PETITION FOR REVIEW DENIED.**