

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LISBETH DUQUE MOJICA, <i>Petitioner,</i> v. ERIC H. HOLDER Jr., Attorney General, <i>Respondent.</i>

No. 07-73098
Agency No.
A096-538-353
OPINION

On Remand from the United States Supreme Court

Filed August 10, 2012

Before: Alfred T. Goodwin, J. Clifford Wallace, and
William A. Fletcher, Circuit Judges.

Per Curiam Opinion

9138

MOJICA v. HOLDER

OPINION**PER CURIAM:**

Lisbeth Duque Mojica petitions for review of the Board of Immigration Appeals' ("BIA") order upholding an immigration judge's denial of cancellation of removal under 8 U.S.C. § 1229b(a). In our original decision, we relied on *Mercado-Zazueta v. Holder*, 580 F.3d 1102 (9th Cir. 2009), to hold that Duque Mojica could impute her father's legal status to herself to meet the five-year lawful permanent residence requirement under 8 U.S.C. § 1229b(a)(1). We therefore granted the petition for review. *Duque Mojica v. Holder*, No. 07-73098 (9th Cir. Dec. 27, 2010) (unpublished). The Supreme Court granted certiorari, vacated our decision, and remanded for reconsideration in light of *Holder v. Martinez Gutierrez*, 132 S. Ct. 2011, 2017 (2012). See *Holder v. Duque Mojica*, 132 S. Ct. 2679 (2012).

Because *Mercado-Zazueta* is no longer valid precedent on the issue of imputation under 8 U.S.C. § 1229b, see *Sawyers v. Holder*, ___ F.3d ___, 2012 WL 2507513 (9th Cir. June 29, 2012) (per curiam), we now reject Duque Mojica's imputation argument making use of her father's lawful permanent residence.

As the parties do not dispute that Duque Mojica, on her own, lacks the requisite lawful permanent residence, we uphold the BIA's decision to deny cancellation of removal.

DENIED.

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