

June 24, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-60514  
Summary Calendar

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MINERVA DELGADO-CASTANEDA,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A78 942 304  
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Before REAVLEY, JOLLY, and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Minerva Delgado-Castaneda petitions this court for review of the Board of Immigration Appeals's (BIA's) denial of cancellation of removal. Delgado-Castaneda argues that the BIA erred when it determined that her 1993 voluntary departure from this country following a visit to Mexico interrupted her ten years continuous physical presence in the United States.

The Respondent has filed a motion for a summary disposition.

This court has jurisdiction to review the BIA's order. See Mireles-Valdez v. Ashcroft, 349 F.3d 213, 217 (5th Cir. 2003).

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

To be eligible for a discretionary cancellation of removal, an alien must satisfy four requirements, one of which is 10 years of continuous physical presence in the United States. See 8 U.S.C. § 1229b(b)(1)(A); Mireles-Valdez, 349 F.3d at 214-15. Delgado's voluntary departure from the United States at the border in 1993 interrupted her continuous presence. See Mireles-Valdez, 349 F.3d at 217-19.

The Respondent's motion for summary disposition is GRANTED, and the petition for review is DENIED.