

March 24, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60781
Summary Calendar

MARIA LUZ MATA-ARZOLA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A74-652-297

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Maria Luz Mata-Arzola (Mata) petitions this court for review of the Board of Immigration Appeals' (BIA's) denial of her request for cancellation of removal. She argues that the BIA erred when it determined that her continuous physical presence in the United States terminated in February 1993 when she departed the United States under threat of institution of removal proceedings.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court has jurisdiction to review the BIA's order denying cancellation of removal. See Mireles-Valdez v. Ashcroft, 349 F.3d 213, 217 (5th Cir. 2003). 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. The Attorney General has determined that voluntary departure under the threat of removal proceedings interrupts continuous presence. See Mireles-Valdez, 349 F.3d at 218. This court has upheld the Attorney General's determination. See id.

PETITION DENIED.