

MAR 26 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS ROBERTO GUTIERREZ-
PORRAS; IRMA A. GUTIERREZ;
KRISTOFER GUTIERREZ;
KENNY GUTIERREZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-74176

Agency Nos. A070-805-891
A070-805-890
A075-483-578
A075-483-579

MEMORANDUM*

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

Submitted March 18, 2009**

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

Carlos Roberto Gutierrez-Porras, his wife and two children, natives and
citizens of Guatemala, petition for review of the Board of Immigration Appeals'

* 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).

(“BIA”) order dismissing their appeal from an immigration judge’s (“IJ”) decision denying their application for asylum, withholding of removal, and protection under the Convention Against Torture. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo due process challenges to immigration decisions. *Barron v. Ashcroft*, 358 F.3d 674, 677 (9th Cir. 2004). We dismiss the petition for review.

Petitioners’ sole contention is that the IJ denied Gutierrez-Porras due process because of an incomplete record. We lack jurisdiction to consider this claim because Gutierrez-Porras did not raise it to the BIA. *See id.* at 678 (requiring exhaustion of procedural due process claims).

PETITION FOR REVIEW DISMISSED.