

MAY 26 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE ALFREDO HURTADO-JIMENEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 04-71470

Agency No. A092-114-683

MEMORANDUM*

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

Submitted May 12, 2009**

Before: PREGERSON, CANBY, and BERZON, Circuit Judges.

Jose Alfredo Hurtado-Jimenez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's removal order. We have jurisdiction pursuant to 8 U.S.C.

* 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).

§ 1252. We review de novo questions of law, *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1145 (9th Cir. 2002), and we deny the petition for review.

We reject Hurtado-Jimenez’s contention that *Baron-Medina v. Ashcroft*, 187 F.3d 1144 (9th Cir. 1999) was wrongly decided. Hurtado-Jimenez’s contention that the agency’s decision violated due process therefore fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

We agree with the agency that the document submitted by the government to prove the existence of Hurtado-Jimenez’s conviction was properly certified. *See* 8 C.F.R. § 1003.41(a)(4). Hurtado-Jimenez’s contention that this document failed to identify him sufficiently is unpersuasive. *See Espinoza v. INS*, 45 F.3d 308, 310 (9th Cir. 1995) (“The burden of establishing a basis for exclusion of . . . a government record falls on the opponent of the evidence, who must come forward with enough negative factors to persuade the court not to admit it.”).

PETITION FOR REVIEW DENIED.