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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

J. GUADALUPE MAGANA MARQUEZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-72340

Agency No. A035-986-883

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

J. Guadalupe Magana Marquez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's removal order. Our jurisdiction is governed by 8

* 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).

U.S.C. § 1252. We review de novo questions of law, *Barron v. Ashcroft*, 358 F.3d 674, 677 (9th Cir. 2004), and we dismiss in part and deny in part the petition for review.

Because Magana Marquez failed to demonstrate a gross miscarriage of justice, he may not at this point collaterally attack his 1997 deportation order. *See Ramirez-Juarez v. INS*, 633 F.2d 174, 175-76 (9th Cir. 1980) (per curiam).

The BIA properly concluded that Magana Marquez is not eligible for a waiver under § 212(c) of the Immigration and Nationality Act because he is no longer a legal permanent resident. *See* 8 C.F.R. § 1212.3(f)(1).

Magana Marquez failed to exhaust his remaining contentions. *See Barron*, 358 F.3d at 678 (this court lacks jurisdiction to review contentions not raised before the agency).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.