

DEC 07 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HUSSEIN ABUSHINDI,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-70864

Agency No. A029-228-877

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.

Hussein Abushindi, a native and citizen of Jordan, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

* 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).

immigration judge's decision denying his application for adjustment of status. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review Abushindi's contention that the BIA acted ultra vires in its July 16, 2003 order because Abushindi failed to raise that issue before the BIA in his appeal of right and thereby failed to exhaust his administrative remedies. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004); *see also Agyeman v. INS*, 296 F.3d 871, 877 (9th Cir. 2002) (“[W]e may not entertain due process claims based on correctable procedural errors unless the alien raised them below.”).

PETITION FOR REVIEW DISMISSED.