

DEC 07 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EUN KYEONG SEO,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71337

Agency No. A098-266-275

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.

Eun Kyeong Seo, a native and citizen of Korea, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing her 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 removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

In her opening brief, Seo fails to address, and therefore has waived any challenge to, the BIA's determination that she was not entitled to a continuance. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

This court lacks jurisdiction over the United States Citizenship and Immigration Services' ("USCIS") determinations regarding U Visas. *See Ramirez Sanchez v. Mukasey*, 508 F.3d 1254, 1255 -1256 (9th Cir. 2007) (per curiam) (USCIS has sole jurisdiction over the issuance of U Visa petitions); *see also* 8 U.S.C. § 1101(a)(15)(U)(i)(I).

We lack jurisdiction to review Seo's contention regarding the alleged ineffective assistance of her prior counsel because she did not raise that issue before the BIA and thereby failed to exhaust her administrative remedies. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.