

DEC 22 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTA MARICELA FAJARDO-  
SANDOVAL; JOSE IGNACIO LARIOS-  
ALCARAZ,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-72955

Agency Nos. A078-051-611  
A095-397-967

MEMORANDUM\*

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

Submitted December 15, 2009\*\*

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Marta Maricela Fajardo-Sandoval and Jose Ignacio Larios-Alcaraz, natives  
and citizens of Mexico, 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 concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

order dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations in removal proceedings, *Lopez-Umanzor v. Gonzales*, 405 F.3d 1049, 1053 (9th Cir. 2005), and we deny the petition for review.

Contrary to the petitioners' contention that the IJ violated due process by limiting their direct testimony and their expert's testimony, the proceedings were not so fundamentally unfair that the petitioners "were prevented from reasonably presenting [their] case." *See Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). Moreover, the petitioners failed to demonstrate that additional testimony would have potentially affected the outcome of the proceedings. *See id.* (requiring prejudice to prevail on a due process challenge).

The petitioners' contention that the BIA misapprehended the facts is not persuasive.

**PETITION FOR REVIEW DENIED.**