

JAN 19 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TAYRON YOUDICES FIGUEROA-MEZQUITA,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 07-70513

Agency No. A095-123-140

MEMORANDUM*

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

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Tayron Youdices Figueroa-Mezquita, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") order denying his

* 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).

application asylum and withholding of removal. We dismiss the petition for review.

Figueroa-Mezquita failed to challenge the IJ's denial of asylum and withholding of removal before the BIA. Therefore, these issues are not exhausted, and we lack jurisdiction to review them. *See Barron v. Ashcroft*, 358 F.3d 674, 676–77 (9th Cir. 2004) (holding that a petitioner's failure to raise an issue to the BIA generally constitutes a failure to exhaust, thus depriving this court of jurisdiction to consider the issue).

PETITION FOR REVIEW DISMISSED.