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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PEDRO GILBERTO RIOS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondents.</p>

No. 07-71521

Agency No. A028-821-988

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.

Pedro Gilberto Rios, a native and citizen of Nicaragua, petitions pro se for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) order terminating deportation proceedings. We dismiss

* 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).

the petition for review.

We lack jurisdiction to review the petition because the IJ's August 29, 2005, order was not a final order of deportation. *See* 8 U.S.C. §§ 1101(a)(47)(A), 1252(b)(9).

To the extent Rios challenges the March 10, 1987, final deportation order, we lack jurisdiction to consider it because this petition for review is not timely as to that order. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

We lack jurisdiction to consider Rios' ineffective assistance of counsel contention because he failed to exhaust that issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED.