

FEB 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PAUL T. COLEMAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-72259

Agency No. A036-459-449

MEMORANDUM*

On Petition for Review of an Order of the
Department of Homeland Security

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Paul T. Coleman, a native and citizen of Belize, petitions for review of the Department of Homeland Security’s order reinstating his 1994 deportation order under 8 U.S.C. § 1231(a)(5). We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review de novo due process claims and questions of law, *Garcia de Rincon v. Dep't of Homeland Sec.*, 539 F.3d 1133, 1136 (9th Cir. 2008), and we deny the petition for review.

Because Coleman failed to demonstrate a gross miscarriage of justice in his initial deportation proceeding, he may not at this point collaterally attack his 1994 deportation order. *See id.* at 1137-38 (while a petitioner is generally prevented from collaterally attacking an underlying removal order on constitutional due process grounds, 8 U.S.C. § 1252(a)(2)(D) permits some measure of review if the petitioner can demonstrate a “gross miscarriage of justice” in the prior proceedings).

PETITION FOR REVIEW DENIED.