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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SATNAM SINGH CHANDI,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-74595

Agency No. A095-402-232

MEMORANDUM*

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

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Satnam Singh Chandi, a native and citizen of India, petitions pro se for review of a Board of Immigration Appeals' ("BIA") order granting his motion to reconsider and denying his request for voluntary departure. Our jurisdiction is

* 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).

governed by 8 U.S.C. § 1252. We review de novo questions of law, including claims of due process violations in immigration proceedings. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Chandi's due process contentions are not persuasive. The BIA did not engage in impermissible fact finding, because the immigration judge had already found Chandi not credible, in part due to contradictions surrounding his date of arrival. The BIA is permitted to review questions of law and discretion de novo. *See* 8 C.F.R. § 1003.1(d)(3)(ii). Moreover, contrary to Chandi's contention, the BIA did not enter an order of removal in the first instance. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for a due process violation).

PETITION FOR REVIEW DENIED.