

JUN 02 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAZEM MICHAEL MOUNAYER,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

Nos. 07-70502
07-72475

Agency No. A035-721-405

MEMORANDUM*

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

In these consolidated petitions for review, Hazem Michael Mounayer, a native and citizen of Jordan, petitions for review from the Board of Immigration Appeals' ("BIA") orders dismissing his appeal from an immigration judge's ("IJ") removal order, and denying his motion to reconsider. Our jurisdiction is governed

* 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).

by 8 U.S.C. § 1252. We review de novo claims of due process violations, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000), and review for abuse of discretion the denial of a motion to reconsider, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). In No. 07-7502, we dismiss in part and deny in part the petition for review. In No. 07-72475, we deny the petition for review.

We lack jurisdiction to consider Mounayer's contention that he is not removable as an alien convicted of an aggravated felony because Mounayer failed to properly raise this claim before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

Mounayer's contention that the IJ's reconstruction of the hearing transcript violated due process is unavailing. *See Colmenar*, 210 F.3d at 971 (requiring prejudice to prevail on a due process challenge).

The BIA did not abuse its discretion in denying Mounayer's motion to reconsider because the motion failed to demonstrate an error of law or fact in the BIA's prior decision. *See* 8 C.F.R. § 1003.2(b)(1).

**In No. 07-70502: PETITION FOR REVIEW DISMISSED in part,
DENIED in part.**

In No. 07-72475: PETITION FOR REVIEW DENIED.