

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NOT FOR PUBLICATION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>GUILLERMO MARTINEZ RODRIGUEZ,</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. 08-70286

Agency No. A075-660-347

MEMORANDUM*

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

Submitted May 25, 2010**

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

Guillermo Martinez Rodriguez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) order granting him voluntary departure. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process

* 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).

violations in immigration proceedings. *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

We agree with the BIA's conclusion that Martinez Rodriguez failed to demonstrate prejudice from the IJ's refusal to consider additional evidence of hardship, and his due process claim therefore fails. *See id.* (requiring prejudice to prevail on a due process challenge).

In light of our disposition, we do not consider Martinez Rodriguez's remaining contentions.

PETITION FOR REVIEW DENIED.