

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NOT FOR PUBLICATION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>MARIA LUISA ZAVALZA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-70338

Agency No. A073-863-085

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.

Maria Luisa Zavalza, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her motion to reopen removal proceedings.

We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due

* 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).

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

In her opening brief, Zavalza fails to address, and therefore has waived any challenge to, the BIA's dispositive determination that she failed to demonstrate the evidence she submitted with the motion to reopen could not have been discovered or presented at her former hearing. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived); *see also* 8 C.F.R. § 1003.23(b)(3). We therefore do not reach Zavalza's contentions regarding entry into the United States pursuant to advance parole.

We reject as unpersuasive Zavalza's contention, raised for the first time in her opening brief, that she was prejudiced by the administrative record as filed by Respondent.

PETITION FOR REVIEW DENIED.