

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 03 2010

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

GUILLERMO HERNANDEZ-CARAPIA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74921

Agency No. A070-927-907

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 Hernandez-Carapia, 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") removal order. We have jurisdiction under 8

* 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).

U.S.C. § 1252. We review de novo due process claims in immigration proceedings. *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We deny in part and dismiss in part the petition for review.

The BIA did not violate due process in dismissing Hernandez-Carapia's ineffective assistance of counsel claim, where Hernandez-Carapia failed to comply with the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988), and the face of the record does not show a "clear and obvious case of ineffective assistance of counsel." *Castillo-Perez v. INS*, 212 F.3d 518, 526 (9th Cir. 2000).

We lack jurisdiction over Hernandez-Carapia's contentions regarding the IJ's denial of his last motion to continue, as he did not challenge that decision before the BIA, where he addressed only an earlier continuance related to the reinstatement of his first wife's I-130 application. *See Serrano v. Gonzales*, 469 F.3d 1317, 1319 (9th Cir. 2006) (no jurisdiction over issues raised for the first time on appeal to this court).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.