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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANKLIN AGUSTIN GARCIA-AUCCA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-71328

Agency No. A046-790-055

MEMORANDUM*

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

Submitted June 29, 2010 **

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Franklin Agustin Garcia-Aucca, native and citizen of Peru, petitions for review of the Board of Immigration Appeals’ (“BIA”) order summarily affirming the immigration judge’s (“IJ”) denial of his application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). Our

* 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).

jurisdiction is governed by 8 U.S.C. § 1252. *See Bromfield v. Mukasey*, 543 F.3d 1071, 1075 (9th Cir. 2008) (holding that the jurisdiction stripping provision found at 8 U.S.C. § 1242(a)(2)(C) applies only to removal orders, not to applications for asylum, withholding of removal, or CAT relief). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review Garcia-Aucca's contention that BIA abused its discretion in declining to accept his untimely brief. *See Zeitano v. Holder*, 596 F.3d 517, 524-25 (9th Cir. 2010).

Garcia-Aucca does not challenge the BIA and IJ's denial of his asylum, withholding of removal, and CAT claims, and has therefore waived these issues. *See Martinez-Serranno v. INS*, 94 F.3d 1256, 1259–60 (9th Cir. 1996) (“Issues raised in a brief that are not supported by argument are deemed abandoned.”).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.