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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ERIK RAUL BALCAZAR-RIVERA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-70782

Agency No. A097-337-029

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.

Erik Raul Balcazar-Rivera, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order summarily dismissing his appeal from an immigration judge’s decision denying his application for asylum, withholding of removal, and protection under the

* 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).

Convention Against Torture. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion a dismissal under 8 C.F.R. § 1003.1(d)(2)(i), *Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in summarily dismissing Balcazar-Rivera's appeal where he failed to state specific grounds for appeal in his Notice of Appeal and did not file a separate brief or statement. *See Singh v. Ashcroft*, 361 F.3d 1152, 1157 (9th Cir. 2004). Although Balcazar-Rivera alleges that he never received the relevant briefing schedule, the record indicates that a schedule was mailed to his most recent address of record.

To the extent Balcazar-Rivera challenges the BIA's May 15, 2008, order denying his motion to reconsider, we lack jurisdiction to consider it because Balcazar-Rivera did not petition for review of that order. *See Andia v. Ashcroft*, 359 F.3d 1181, 1183 n.3 (9th Cir. 2004) (per curiam).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.