

NOV 24 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GLADYS SUSANA PORRAS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-75016

Agency No. A074-422-392

MEMORANDUM*

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

Submitted November 16, 2010**

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Gladys Susana Porras, a native and citizen of Peru, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) decision denying her application for asylum, withholding of removal, and protection under the Convention Against Torture

* 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).

(“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence factual findings, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992), and we review de novo due process claims, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003). We deny the petition for review.

Porras does not raise any challenge to the agency’s denial of asylum as time-barred. Accordingly, we deny the petition as to her asylum claim.

We lack jurisdiction over Porras’s contention that she is a member of a protected social group because she did not exhaust it before the agency. *See Serrano v. Gonzales*, 469 F.3d 1317, 1319 (9th Cir. 2006). Apart from this contention, Porras does not otherwise challenge the agency’s denial of withholding of removal. Accordingly, we deny the petition as to her withholding claim.

Porras’s contention that the agency violated due process by ignoring evidence of country conditions is not supported by the record. Porras’s contention that the IJ violated due process by failing to strike a “defective asylum application” from the record fails because she has not shown error. *See Lata v. INS*, 204 F.3d 1241, 1296 (9th Cir. 2000) (requiring error to prevail on a due process claim).

Apart from these contentions, Porras does not otherwise challenge the denial of her withholding of removal or CAT claims. Accordingly, we deny the petition as to these claims.

PETITION FOR REVIEW DENIED.