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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS MANUEL VALENZUELA-
MORALES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71866

Agency No. A040-443-512

MEMORANDUM*

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

Submitted March 8, 2011**

Before: FARRIS, O’SCANNLAIN, and BYBEE, Circuit Judges.

Carlos Manuel Valenzuela-Morales, a native and citizen of Guatemala,
petitions for review of the Board of Immigration Appeals’ (“BIA”) order

* 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).

dismissing his appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252. We deny the petition for review.

In his opening brief, Valenzuela-Morales fails to address, and therefore has waived any challenge to, the BIA’s dispositive alternative holding that Valenzuela-Morales did not warrant a favorable exercise of discretion. *See Kumar v. Gonzales*, 444 F.3d 1043, 1055 (9th Cir. 2006) (“[W]e will not ordinarily consider matters on appeal that are not specifically and distinctly argued in appellant’s opening brief.”) (citation omitted).

Accordingly, we deny the petition for review. In light of our disposition, we do not reach Valenzuela-Morales’s remaining contentions.

PETITION FOR REVIEW DENIED.