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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARTIN ARAGON-MEJIA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-74517

Agency No. A096-192-831

MEMORANDUM*

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

Submitted April 20, 2011**

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Martin Aragon-Mejia, a native and citizen of Honduras, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for asylum and withholding of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We

* 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).

review de novo questions of law, *Cerezo v. Mukasey*, 512 F.3d 1163, 1166 (9th Cir. 2008), and we dismiss in part and deny in part the petition for review.

Aragon-Mejia claims he is eligible for asylum and withholding of removal based on his anti-gang political opinion. We lack jurisdiction to consider this contention because he did not exhaust it before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (no subject-matter jurisdiction over legal claims not presented in administrative proceedings below); *Zara v. Ashcroft*, 383 F.3d 927, 931 (9th Cir. 2004) (the exhaustion requirement applies to “streamlined” cases). Accordingly, we dismiss the petition as to his asylum and withholding of removal claims.

Aragon’s due process contention regarding the BIA’s streamlined decision is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 851 (9th Cir. 2003) (BIA’s summary affirmance procedure does not violate due process).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.