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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADRIANA GUERRERO-HERNANDEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72942

Agency No. A086-966-728

MEMORANDUM*

On Petition for Review of an Order of
Immigration and Customs Enforcement

Submitted July 12, 2011**

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

Adriana Guerrero-Hernandez, a native and citizen of Mexico, petitions for review of an Immigration and Customs Enforcement decision reinstating her prior removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

* 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).

questions of law and due process claims. *Garcia de Rincon v. Dep't Homeland Security*, 539 F.3d 1133, 1136 (9th Cir. 2008). We deny the petition for review.

Contrary to Guerrero-Hernandez's contention, 8 U.S.C. § 1231(a)(5) applies to her expedited removal order. *See Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 496 n. 14 (9th Cir. 2007) (en banc) ("Any mode of departure - voluntary or involuntary - while subject to an order of removal constitutes a removal for reinstatement purposes.").

The reinstatement of Guerrero-Hernandez's removal order did not violate her due process rights. *See id.* at 497 ("Reinstatement of a prior removal order - regardless of the process afforded in the underlying order - does not offend due process because reinstatement of a prior order does not change the alien's rights or remedies.").

PETITION FOR REVIEW DENIED.