

DEC 23 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO ALFONSO ARREOLA-
ARREOLA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-71830

Agency No. A011-434-117

MEMORANDUM*

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

Argued and Submitted December 8, 2011
San Francisco, California

Before: TROTT and BEA, Circuit Judges, and GEORGE, Senior District Judge.**

Sergio Alfonso Arreola-Arreola (“Arreola”) petitions for review of the Board of Immigration Appeals’ order affirming the reinstatement of a prior order of removal from the United States. We have jurisdiction to review Arreola’s

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Lloyd D. George, Senior District Judge for the U.S. District Court for Nevada, sitting by designation.

challenge to the reinstatement order under 8 U.S.C. §1252(a). In exercising that jurisdiction, we are not precluded by 8 U.S.C. §1231(a)(5) from reviewing a collateral constitutional attack on the prior order of removal underlying the reinstatement order. 8 U.S.C. §1252(a)(2)(D).

Arreola's alleged deprivation of due process in his underlying removal proceedings cannot support his claim before this court: that his due process rights were violated by the reinstatement of that prior order. The "[r]einstatement 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." *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 497 (9th Cir. 2007) (*en banc*).

AFFIRMED.