

FEB 24 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>SABASTIAN MONTERROSA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 11-70165

Agency No. A073-415-833

MEMORANDUM\*

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

Submitted February 21, 2012\*\*

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Sabastian Monterrosa, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to remand and dismissing his appeal from an immigration judge’s (“IJ”) removal order. We dismiss the petition for review.

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\* 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).

Monterrosa's sole contention is that the IJ applied an incorrect legal standard in denying his claim for humanitarian asylum. We lack jurisdiction to consider this contention because Monterrosa failed to exhaust it before the BIA. *See Figueroa v. Mukasey*, 543 F.3d 487, 492 (9th Cir. 2008) (a claim that the IJ applied the wrong legal standard must be exhausted before the BIA).

**PETITION FOR REVIEW DISMISSED.**