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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>AARON TREVIZO ORTIZ, a.k.a. Aron Trevizo Ortiz,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 10-72844

Agency No. A099-514-428

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.

Aaron Trevizo Ortiz, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional challenges to removal orders, *Lopez-*

* 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).

Rodriguez v. Mukasey, 536 F.3d 1012, 1015 (9th Cir. 2008), and deny the petition for review.

Even if we assume that Ortiz’s allegedly unlawful arrest and detention was an egregious violation of his constitutional rights, the agency did not err in concluding that there was substantial independent evidence in the record to establish that he nonetheless was subject to removal as charged. *See Hoonsilapa v. INS*, 575 F.2d 735, 738 (9th Cir. 1978), *modified by* 586 F.2d 755 (9th Cir. 1978) (“[T]he mere fact that Fourth Amendment illegality directs attention to a particular suspect does not require exclusion of evidence subsequently unearthed from independent sources.”).

In his opening brief, Ortiz fails to address, and therefore has waived any challenge to, the BIA’s determination that he is ineligible for cancellation of removal. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party’s opening brief are waived).

PETITION FOR REVIEW DENIED.