

OCT 15 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSEPHINE MEDRANO-BOGGS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 10-72928

Agency No. A072-315-602

MEMORANDUM*

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

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Josephine Medrano-Boggs, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals’ order dismissing her appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration

* 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).

proceedings, *Zetino v. Holder*, 622 F.3d 1007, 1011 (9th Cir. 2010), and we deny the petition for review.

Medrano-Boggs contends that the IJ violated her right to due process when the IJ did not postpone her merits hearing for her United States citizen spouse's testimony. Medrano-Boggs' contention fails because the IJ had already continued her merits hearing once before to obtain her spouse's testimony and the spouse still did not appear. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and prejudice to prevail on a due process claim).

Medrano-Boggs also contends that the IJ deprived her of due process by failing to comply with 8 C.F.R. § 1240.1(b). She fails to show any prejudice from the IJ's failure to certify for the record that he, as a substitute judge, had reviewed her record. *See Lata*, 204 F.3d at 1246.

Petitioner's remaining contention is unavailing.

PETITION FOR REVIEW DENIED.