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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GURBIR SINGH GILL, a.k.a. Baldev Singh,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-70756

Agency No. A072-683-982

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.

Gurbir Singh Gill, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) removal order. Our jurisdiction is governed by 8 U.S.C. § 1252.

* 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).

We review de novo questions of law. *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's discretionary decision to deny Singh Gill's application for a section 212(i) waiver where Singh Gill fails to raise a colorable constitutional claim or question of law. *See Corona-Mendez v. Holder*, 593 F.3d 1143, 1146 (9th Cir. 2010) (no court has jurisdiction to review any discretionary judgment regarding 212(i), unless review of the petition involves constitutional claims or questions of law).

Singh Gill's contention that the IJ violated due process by failing to adjudicate his applications for asylum, withholding of removal, and protection under the Convention Against Torture is not supported by the record because Singh Gill waived or abandoned those applications for relief. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (petitioner must show error and substantial prejudice to establish a due process violation).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.