

DEC 28 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAIME RODRIGUEZ CASTILLO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-71895

Agency No. A076-689-256

MEMORANDUM\*

On Petition for Review of an Order of the  
Department of Homeland Security

Submitted December 19, 2012\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Jaime Rodriguez Castillo, a native and citizen of Mexico, petitions for review of the Department of Homeland Security’s order reinstating his 1998 removal order under 8 U.S.C. § 1231(a)(5). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Garcia de Rincon v. Dep’t of*

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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).

*Homeland Sec.*, 539 F.3d 1133, 1136 (9th Cir. 2008), and we deny the petition for review.

Rodriguez Castillo’s challenge to the reinstatement of his 1998 removal order fails because he has not established “a gross miscarriage of justice.” *See id.* at 1137-38 (a petitioner may not obtain collateral review of an underlying removal order unless he demonstrates “a gross miscarriage of justice” in the initial removal proceedings).

**PETITION FOR REVIEW DENIED.**