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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ISRAEL MENDEZ-PINEDA, Petitioner, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 11-71993 Agency No. A095-010-209 MEMORANDUM*

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

Submitted April 16, 2013**

Before: CANBY, IKUTA, and WATFORD, Circuit Judges.

Jose Israel Mendez-Pineda, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order summarily dismissing his appeal from an immigration judge's ("IJ") removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

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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).

summary dismissal of an appeal, and review de novo claims of due process violations. *Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion by summarily dismissing Mendez-Pineda's appeal where he did not file a separate appeal brief or statement as indicated on his Notice of Appeal and he failed to specify the reasons for the appeal on his Notice of Appeal. *See* 8 C.F.R. § 1003.1(d)(2)(i)(A), (E); *Garcia-Cortez v. Ashcroft*, 366 F.3d 749, 753 (9th Cir. 2004) ("The Notice of Appeal is sufficiently specific if the alien explains in a short and plain statement exactly how and why the IJ erred.").

We are unpersuaded by Mendez-Pineda's contention that the BIA's summary dismissal denied him due process because he did not receive notice of the briefing schedule. Mendez-Pineda did not provide any evidence to rebut the presumption that the BIA's briefing schedule notice was properly mailed to his address of record. *See Singh v. Gonzales*, 494 F.3d 1170, 1172-73 (9th Cir. 2007).

PETITION FOR REVIEW DENIED.