

APR 22 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LEONARDO ARTURO BRENES ESCOBAR,</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. 12-71415

Agency No. A095-004-392

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.

Leonardo Arturo Brenes Escobar, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) decision dismissing his appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Freeman*

* 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).

v. Gonzales, 444 F.3d 1031, 1037 (9th Cir. 2006), and we deny the petition for review.

The BIA properly concluded that Brenes Escobar did not establish eligibility for adjustment of status where he did not file an application for that form of relief or present evidence that he is the beneficiary of an approved or pending immigrant visa petition. *See* 8 U.S.C. §§ 1229a(c)(4), 1255(a).

Removal proceedings are separate and apart from bond proceedings, *see* 8 C.F.R. § 1003.19(d), thus the BIA properly determined it did not have jurisdiction to review Brenes Escobar's challenge to his bond proceedings in an appeal from removal proceedings.

PETITION FOR REVIEW DENIED.