

DEC 02 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARCOS ROJAS-URIZAR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-71601

Agency No. A095-772-364

MEMORANDUM*

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

November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Marcos Rojas-Urizar, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s removal order. We have jurisdiction under 8 U.S.C. § 1252. We review mixed questions of law and fact de novo and factual determinations

* 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).

underlying this inquiry are reviewed for clear error. *United States v. Diaz-Juarez*, 299 F.3d 1138, 1140 (9th Cir. 2002). We deny the petition for review.

The agency did not clearly err in finding that the officer did not stop Rojas-Urizar solely because of his race and that legitimate, non-racial factors motivated the officer's stop. *See United States v. Manzo-Jurado*, 457 F.3d 928, 936 (9th Cir. 2006); *Diaz-Juarez*, 299 F.3d at 1142; *cf. Gonzalez-Rivera v. INS*, 22 F.3d 1441 (9th Cir. 1994).

PETITION FOR REVIEW DENIED.