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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OSCAR GERARDO HERRADA-
RAMOS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-73685

Agency No. A072-862-835

MEMORANDUM*

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

Submitted February 18, 2014**

Before: ALARCÓN, O’SANNLAIN, and FERNANDEZ, Circuit Judges.

Oscar Gerardo Herrada-Ramos, a native and citizen of Mexico petitions pro se for review of the Department of Homeland Security’s reinstatement of his 1993 order of deportation. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

* 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 lack jurisdiction to review Herrada-Ramos' challenge to the reinstatement of his 1993 deportation order because he does not dispute the factual predicates for reinstatement, *see Garcia de Rincon v. Dep't. of Homeland Sec.*, 539 F.3d 1133, 1137 (9th Cir. 2008) (listing the three determinations underlying a reinstatement order that may be reviewed), nor does he allege a gross miscarriage of justice in the underlying 1993 deportation proceedings, *see id.* at 1138 (while a petitioner is generally prevented from collaterally attacking an underlying deportation order on constitutional or legal grounds, 8 U.S.C. § 1252(a)(2)(D) permits some measure of review if he can demonstrate a "gross miscarriage of justice" in the underlying proceedings).

PETITION FOR REVIEW DISMISSED.