

AUG 15 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOISES DARIO ARIAS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-70614

Agency No. A075-714-114

MEMORANDUM*

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

Submitted August 13, 2014**

Before: SCHROEDER, THOMAS, and HURWITZ, Circuit Judges.

Moises Dario Arias, a native and citizen of Bolivia, petitions for review of a Board of Immigration Appeals (“BIA”) order dismissing his appeal from an immigration judge’s removal order. Our jurisdiction is governed by 8 U.S.C. 1252. We review de novo constitutional claims and questions of law.

* 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).

Hamazaspyan v. Holder, 590 F.3d 744, 747 (9th Cir. 2009). We deny in part and dismiss in part the petition for review.

The BIA correctly determined that Arias made a knowing and intelligent waiver of his right to appeal. *See United States v. Estrada-Torres*, 179 F.3d 776, 781 (9th Cir. 1999) (“Because the immigration judge explained the right to appeal to [petitioner] (with the other deportees) and individually asked him specifically if he wanted to appeal his deportation order, his waiver of his right to appeal was ‘considered and intelligent.’”) (citation omitted), *overruled on other grounds by United States v. Rivera-Sanchez*, 247 F.3d 905 (9th Cir. 2001). As the appeal waiver was effective, the BIA properly dismissed Arias’ appeal for lack of jurisdiction. *See Matter of Rodriguez-Diaz*, 22 I. & N. Dec. 1320, 1322 (BIA 2000) (“By waiving appeal, an alien relinquishes the opportunity to obtain review of the Immigration Judge’s ruling.”).

We lack jurisdiction to review Arias’ remaining unexhausted contentions. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.