

DEC 15 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OSCAR CHAVEZ GONZALEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72886

Agency No. A090-138-578

MEMORANDUM*

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

Submitted December 9, 2014**

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges.

Oscar Chavez Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's order of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review the agency's factual findings for substantial evidence, *Zarate*

* 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. Holder, 671 F.3d 1132, 1134 (9th Cir. 2012), and review de novo questions of law, *Maldonado-Galindo v. Gonzales*, 456 F.3d 1064, 1066 (9th Cir. 2006). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency’s finding that Chavez Gonzalez was previously granted cancellation of removal for certain permanent residents. *See Singh-Kaur v. INS*, 183 F.3d 1147, 1150 (9th Cir. 1999) (“The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s finding from being supported by substantial evidence.” (quotation marks and citation omitted)). Accordingly, the agency did not err in determining that Chavez Gonzalez did not meet his burden of proof to establish eligibility for cancellation of removal, where he previously received that form of relief. *See* 8 U.S.C. §§ 1229a(c)(4), 1229b(c)(6).

We lack jurisdiction to review Chavez Gonzalez’s due process claims because he failed to raise them to the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.