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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS MIGUEL ORDAZ-LEYVA, AKA  
Eduardo Urietta, AKA Pablo Ordaz, AKA  
Eduardo Urietta-Leyva, AKA Antonio  
Peris, AKA Antonio Pen,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-70943

Agency No. A078-737-910

MEMORANDUM\*

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

Submitted June 22, 2015\*\*

Before: HAWKINS, GRABER, and W. FLETCHER, Circuit Judges.

Luis Miguel Ordez-Leyva, 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 ("IJ") decision denying his application for asylum,

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\* 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).

withholding of removal, and protection under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings. *Zetino v. Holder*, 622 F.3d 1007, 1011-12 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

The record does not compel the conclusion that Ordaz-Leyva established changed or extraordinary circumstances to excuse his untimely asylum application. *See* 8 C.F.R. §§ 1208.4(a)(4), (5); *see also Ramadan v. Gonzales*, 479 F.3d 646, 657-58 (9th Cir. 2007) (per curiam). Thus, we deny the petition as to Ordaz-Leyva’s asylum claim. In light of this dispositive determination, we reject Ordaz-Leyva’s request for a remand based on *Henriquez-Rivas v. Holder*, 707 F.3d 1081 (9th Cir. 2013).

Ordaz-Leyva does not challenge the BIA’s finding that he waived any challenge to the IJ’s denial of his withholding of removal and CAT claims. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996). We lack jurisdiction to consider Ordaz-Leyva’s contentions regarding withholding of removal and CAT, because he failed to raise these claims before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

Finally, we lack jurisdiction to review Ordaz-Leyva's challenge to the agency's discretionary denial of voluntary departure. *See* 8 U.S.C. §§ 1252(a)(2)(B), 1229c(f); *Gil v. Holder*, 651 F.3d 1000, 1006 (9th Cir. 2011).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**