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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YANET PRADO-BACILLO, AKA Yanet
Bacillo Prado,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-70951

Agency No. A059-926-129

MEMORANDUM*

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

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Yanet Prado-Bacillo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion for remand and dismissing her appeal from an immigration judge's decision denying her request for a continuance and entering an order of removal. Our jurisdiction is

* 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).

governed by 8 U.S.C. § 1252. We review de novo constitutional claims.

Mohammed v. Gonzales, 400 F.3d 785, 791-92 (9th Cir. 2005). We dismiss in part and deny in part the petition for review.

Because Prado-Bacillo conceded that she is removable under 8 U.S.C. § 1227(a)(2)(A)(ii) for having been convicted of two or more crimes involving moral turpitude, our jurisdiction is limited to colorable constitutional claims and questions of law. *See* 8 U.S.C. § 1252(a)(2)(C), (D). Accordingly, we lack jurisdiction to consider her contention that the agency abused its discretion in denying her requests for a continuance and for a remand.

Prado-Bacillo has not established a due process claim arising from her alleged potential eligibility for other forms of relief, such as a U visa or prosecutorial discretion. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (to prevail on a due process challenge, an alien must show error and prejudice).

Prado-Bacillo sought a continuance in order to marry her United States citizen fiancé and apply for adjustment of status, but Prado-Bacillo's fiancé is now deceased. Accordingly, Prado-Bacillo's claim that her right to due process was violated by the denial of a continuance to pursue adjustment of status is moot. *See Pedroza-Padilla v. Gonzales*, 486 F.3d 1362, 1364 n. 2 (9th Cir. 2007); *see also United States v. Strong*, 489 F.3d 1055, 1059 (9th Cir. 2007) ("An appeal is moot

when, by virtue of an intervening event, a court of appeals cannot grant any effectual relief whatever in favor of the appellant.” (citation and internal quotation marks omitted)).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.