

FEB 29 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTURO ARIAS-FLORES,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-72257

Agency No. A205-401-269

MEMORANDUM*

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

Submitted February 24, 2016**

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Arturo Arias-Flores, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision granting voluntary departure. We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional claims.

* 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).

Ibarra-Flores v. Gonzales, 439 F.3d 614, 620 (9th Cir. 2006). We deny the petition for review.

Arias-Flores does not raise, and therefore has waived, any challenge to the agency's finding that he withdrew his application for cancellation of removal and waived the opportunity to apply for that relief. *See Rizk v. Holder*, 629 F.3d 1083, 1091 n.3 (9th Cir. 2011) (issues not raised in an opening brief are waived).

Arias-Flores' contention that he was denied due process by the IJ during his removal proceedings is not supported by the record. *See Ibarra-Flores*, 439 F.3d at 620-21 (due process claims require showing that proceedings were "so fundamentally unfair that the alien was prevented from reasonably presenting his case") (internal quotation marks and citation omitted)).

PETITION FOR REVIEW DENIED.