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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOSE LUIS GALLARDO-MONARES,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-71606

Agency No. A070-784-734

MEMORANDUM*

On Petition for Review of an Order of the
Department of Homeland Security

Submitted February 24, 2016**

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

Jose Luis Gallardo-Monares, a native and citizen of Mexico, petitions for review of the Department of Homeland Security's ("DHS") January 10, 2014, order reinstating his 1995 deportation order. We have jurisdiction under 8 U.S.C. § 1252. Our review is "limited to confirming the agency's compliance with the

* 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).

reinstatement regulations.” *Garcia de Rincon v. DHS*, 539 F.3d 1133, 1136-37 (9th Cir. 2008). We deny the petition for review.

The DHS did not err in issuing Gallardo-Monares’ reinstatement order, where the record shows that he was an alien, he was subject to a prior order of deportation in 1995, and he illegally reentered subsequent to that order. *See id.*, 539 F.3d at 1137 (our jurisdiction is limited to reviewing “three discrete inquiries an immigration officer must make in order to reinstate a removal order: (1) whether the petitioner is an alien; (2) whether the petitioner was subject to a prior removal order, and (3) whether the petitioner re-entered illegally”); 8 U.S.C. § 1231(a)(5) (if the DHS “finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date”).

Gallardo-Monares’ assertion that he was “waved through” by a border officer in 1997 is not supported by the record.

Respondent’s motion to strike petitioner’s declaration is granted, and petitioner’s remaining motion is denied as moot.

PETITION FOR REVIEW DENIED.