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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR MARTINEZ OCHOA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 12-71633

Agency No. A078-252-063

MEMORANDUM*

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

Argued and Submitted April 5, 2016
Pasadena, California

Before: SILVERMAN and GRABER, Circuit Judges, and EZRA,** District Judge.

Victor Martinez Ochoa, a native and citizen of Mexico, petitions for review of the Department of Homeland Security's ("DHS") May 2, 2012, order reinstating

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable David A. Ezra, United States District Judge for the District of Hawaii, sitting by designation.

his April 29, 2000, order of expedited removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review Ochoa's collateral attack on his 2000 expedited removal order. *See Garcia de Rincon v. DHS*, 539 F.3d 1133, 1138-39 (9th Cir. 2008) ("Although [8 U.S.C.] § 1252(a)(2)(D) re-vests courts with jurisdiction to review constitutional claims and questions of law otherwise barred," it does not re-vest jurisdiction over expedited removal orders.).

We likewise lack jurisdiction to review Ochoa's contention that the Violence Against Women and Department of Justice Reauthorization Act of 2005 precluded the DHS from reinstating Ochoa's expedited removal order. *See id.* at 1137 (stating that our review of a reinstatement order is limited "to the 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"). Contrary to Ochoa's contention, *Villa-Anguiano v. Holder*, 727 F.3d 873 (9th Cir. 2013), is inapposite because the reinstated removal order in that case was not expedited.

PETITION FOR REVIEW DISMISSED.