

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE GUADALUPE VILLARREAL-
DURAN,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71962

Agency No. A073-374-090

MEMORANDUM*

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

Submitted April 12, 2016**
San Francisco, California

Before: THOMAS, Chief Judge and REINHARDT and CHRISTEN, Circuit
Judges.

Petitioner Jose Guadalupe Villarreal-Duran petitions for review of the Board
of Immigration Appeals' order dismissing his appeal from an Immigration Judge's

* 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).

decision finding him removable. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

1. “[A]dmissions by an alien to facts alleged in [a Notice to Appear], and concessions of removability, made in the 8 C.F.R. § 1240.10(c) ‘pleading stage’ of removal proceedings may be relied on by an [Immigration Judge.]” *Perez-Mejia v. Holder*, 663 F.3d 403, 410 (9th Cir. 2011). The IJ therefore properly relied on the admissions and concessions that Villarreal’s counsel made when pleading, and the IJ was not required to independently review Villarreal’s conviction documents.

2. Even assuming the IJ’s conduct denied Villarreal a full and fair hearing, his due process claim fails because he did not establish prejudice. *See Lata v. I.N.S.*, 204 F.3d 1241, 1246 (9th Cir. 2000) (due process challenge requires both error and substantial prejudice). The record indicates that Villarreal’s counsel was prepared to admit the allegations in the Notice to Appear and concede Villarreal’s removability even before his hearing began. Moreover, Villarreal does not contest his conviction.

PETITION DENIED.