

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 7 2017

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

LUIS ALBERTO PEREZ-SORIA,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 14-70733

Agency No. A205-320-747

MEMORANDUM*

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

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Luis Alberto Perez-Soria, a native and citizen of Mexico, petitions for review of the Board of Immigrations Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT").

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings. *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We dismiss in part and deny in part the petition for review.

Perez-Soria contends he was denied due process as a result of being unable to fully present his case due to his former counsel's incompetence and IJ bias. We lack jurisdiction to consider Perez-Soria's contentions regarding his former counsel. *See Liu v. Waters*, 55 F.3d 421, 424 (9th Cir. 1995) (petitioner must first exhaust ineffective assistance of counsel claim by raising it to the BIA). We reject Perez-Soria's contention that the BIA erred by failing to address the IJ's preclusion of his second witness because Perez-Soria did not raise this issue to the BIA. Further, we reject Perez-Soria's contention that the IJ violated his due process rights. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and prejudice to prevail on a due process claim); *Halaim v. INS*, 358 F.3d 1128, 1137 (9th Cir. 2004) (IJ's conduct did not deny petitioners due process). Perez-Soria does not otherwise challenge the agency's denial of his application for asylum, withholding of removal, and CAT relief.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.