

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 3 2017

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

CESAR PERALTA ESCALANTE,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 13-71926

Agency No. A089-814-157

MEMORANDUM*

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

Submitted September 26, 2017**

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

Cesar Peralta Escalante, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision granting voluntary departure. We dismiss the petition for review.

* 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).

We lack jurisdiction to consider Peralta Escalante’s contentions regarding the agency’s denial of cancellation of removal as addressed in the BIA’s August 9, 2011, order, where this petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1) (“The petition for review must be filed not later than 30 days after the date of the final order of removal.”); *Pinto v. Holder*, 648 F.3d 976, 986 (9th Cir. 2011) (a BIA order denying relief from removal, but remanding for voluntary departure proceedings, is a final order of removal); *Rizo v. Lynch*, 810 F.3d 688, 691 (9th Cir. 2016) (clarifying that *Abdisalan v. Holder*, 774 F.3d 517 (9th Cir. 2014), does not disrupt the *Pinto* line of cases).

PETITION FOR REVIEW DISMISSED.