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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAUL BARAJAS VERDUZCO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-70547

Agency No. A078-100-837

MEMORANDUM*

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

Submitted December 8, 2017**
Seattle, Washington

Before: HAWKINS, McKEOWN, and CHRISTEN, Circuit Judges.

Raul Barajas-Verduzco, a native and citizen of Mexico, petitions for review of the immigration judge's (IJ) negative reasonable fear determination in his

* 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).

reinstatement of removal proceeding. We have jurisdiction under 8 U.S.C. § 1252(a)(1), and we deny the petition.

1. The IJ supported her negative reasonable fear determination with substantial evidence. We uphold an IJ's ruling unless "any reasonable adjudicator would be compelled to conclude to the contrary based on the evidence in the record." *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017) (internal quotation marks omitted). Barajas-Verduzco did not suffer past persecution; he was not harmed or physically threatened when he lived in Mexico. The IJ concluded that Barajas-Verduzco did not show that his fear of future persecution and torture was objectively reasonable. The evidence does not compel a contrary conclusion. Indeed, that Barajas-Verduzco returned to Mexico for three months, without harm, supports the IJ's conclusion.

2. Under the circumstances, we do not have jurisdiction over Barajas-Verduzco's due process claims. This court may review a final order of removal only where the petitioner "has exhausted all administrative remedies available to [him] as of right." *Sola v. Holder*, 720 F.3d 1134, 1135 (9th Cir. 2013) (internal quotation marks omitted). Barajas-Verduzco failed to present his claims before the IJ, and his claims are not excepted from the exhaustion requirement because they are procedural in nature. *Id.* at 1136.

PETITION DENIED.