

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 13 2018

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

TEODORO DELGADO SUAREZ,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-70606

Agency No. A099-579-581

MEMORANDUM*

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

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

Teodoro Delgado Suarez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from 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 constitutional challenges and questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

Delgado Suarez has not raised, and therefore has waived, any challenge to the agency's determination that he was convicted of a particularly serious crime and therefore is ineligible for asylum and withholding of removal. *See Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (failure to contest issue in opening brief resulted in waiver). He also waived any challenge to the agency's determination that he is ineligible for CAT relief, as well as its determination that he has not shown any due process violation. *Id.*

To the extent Delgado Suarez challenges the agency's September 6, 2007, removal order, we lack jurisdiction to consider that contention, because this petition is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003). We also lack jurisdiction to consider Delgado Suarez's requests for employment authorization and naturalization. *See* 8 U.S.C. § 1252(b)(4)(A); *Andia v. Ashcroft*, 359 F.3d 1181, 1184 (9th Cir. 2004) ("In reviewing the decision of the BIA, we consider only the grounds relied upon by that agency.")

We previously granted Delgado Suarez's request for a stay of removal pending review of this petition (Docket Entry No. 9). Delgado Suarez's request for a fourth extension to submit his reply brief is denied as moot.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.