FILED

APR 28 2015

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTHA MENDOZA,	No. 08-71183
Petitioner,	Agency No. A089-521-262
v.	
ERIC H. HOLDER, Jr., Attorney General,	MEMORANDUM[*]
Respondent.	

On Petition for Review of an Order of the
Department of Homeland Security

Submitted April 22, 2015[**]

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Martha Mendoza, a native and citizen of Mexico, petitions for review of an

order of the Department of Homeland Security reinstating her prior expedited order

of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo

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[*]   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).

questions of law. *Duran Gonzales v. DHS*, 508 F.3d 1227, 1232 (9th Cir. 2007).

We deny in part and dismiss in part the petition for review.

Mendoza's challenge to the reinstatement order is foreclosed by this court's decision in *Duran Gonzales*, as Mendoza concedes she filed her application for a waiver of inadmissibility well after *Duran Gonzales* became controlling law in this circuit. *See* 8 U.S.C. § 1255(a)(2), (i)(2)(A) (alien must be admissible to adjust status); *Duran Gonzales*, 508 F.3d at 1242 ("[P]laintiffs as a matter of law are not eligible to adjust their status because they are ineligible to receive I-212 waivers [of inadmissibility].")

We lack jurisdiction to consider Mendoza's contention that her case warrants a favorable exercise of prosecutorial discretion. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order).

Mendoza's request to hold her case in abeyance pending a decision in *Duran Gonzales v. DHS*, 659 F.3d 930 (9th Cir. 2011) is denied as moot.

Mendoza's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.

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