

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 20 2016

FOR THE NINTH CIRCUIT

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

MARVIN ERNESTO MARTINEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-72858

Agency No. A092-461-352

MEMORANDUM*

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

Submitted June 14, 2016**

Before: BEA, WATFORD, and FRIEDLAND, Circuit Judges.

Marvin Ernesto Martinez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture

* 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).*

("CAT"). Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

Apart from his ineffective assistance of counsel claim, Martinez does not contest the agency's denial of asylum, withholding of removal, or CAT. We lack jurisdiction to consider Martinez's ineffective assistance of counsel claim because he did not exhaust it in the form of a motion to reopen before the BIA. *See Ontiveros-Lopez v. INS*, 213 F.3d 1121, 1124 (9th Cir. 2000) ("We . . . require an alien who argues ineffective assistance of counsel to exhaust his administrative remedies by first presenting the issue to the BIA."); *Puga v. Chertoff*, 488 F.3d 812, 815-16 (9th Cir. 2007) (requiring administrative exhaustion of an ineffective assistance of counsel claim). Thus, we dismiss this claim and deny his related request to submit new evidence.

PETITION FOR REVIEW IS DISMISSED.