

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 21 2019

FOR THE NINTH CIRCUIT

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

REVAT CHAIYAYONG,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 16-73531

Agency No. A040-395-978

MEMORANDUM*

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

Submitted February 19, 2019**

Before: FERNANDEZ, SILVERMAN, and WATFORD, Circuit Judges.

Revat Chaiyayong, a native and citizen of Thailand, petitions for review of the Board of Immigration Appeals' ("BIA") decision dismissing his appeal from an immigration judge's removal order. Our jurisdiction is governed by 8 U.S.C.

§ 1252. We review de novo questions of law. *Ahmed v. Holder*, 569 F.3d 1009,

* 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).

1012 (9th Cir. 2009). We deny in part and dismiss in part the petition for review.

Chaiyayong's contention that the BIA erred by making impermissible findings of fact in rejecting his ineffective assistance of counsel claim is not supported.

Chaiyayong has not raised, and therefore waives, any challenge to the agency's denial of a waiver of inadmissibility under former INA § 212(c). *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in an opening brief are waived).

We lack jurisdiction to review Chaiyayong's unexhausted contentions regarding removability. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) ("We lack jurisdiction to review legal claims not presented in an alien's administrative proceedings before the BIA.").

PETITION FOR REVIEW DENIED in part; DISMISSED in part.