

NOT FOR PUBLICATION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

JORGE PLASCENCIA-FERNANDEZ,

No. 17-70572

Petitioner,

Agency No. A200-807-159

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted February 19, 2019**

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

Jorge Plascencia-Fernandez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his request for a continuance and ordering him removed. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

* 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).

To the extent Plascencia-Fernandez challenges the agency's denial of cancellation of removal and his request for a continuance, he has waived these contentions, because he advances no argument to support them. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) ("Issues raised in a brief that are not supported by argument are deemed abandoned.")

We lack jurisdiction to consider Plascencia-Fernandez's unexhausted contentions that the IJ violated due process or that his former representative was ineffective. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (the court lacks jurisdiction to consider legal claims not presented in an alien's administrative proceedings before the agency); *Correa-Rivera v. Holder*, 706 F.3d 1128, 1130 (9th Cir. 2013) (ineffective assistance of counsel claims can be raised by filing a motion to reopen with the agency).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.