

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 22 2019

FOR THE NINTH CIRCUIT

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

DANIEL GARCIA OLIVERA, AKA Daniel
Olivera Garcia,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 17-71251

Agency No. A205-716-431

MEMORANDUM*

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

Submitted April 17, 2019**

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

Daniel Garcia Olivera, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law.

* 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).

Mohammed v. Gonzales, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

Garcia Olivera’s due process claim fails for lack of prejudice, where he does not address how any incompetent interpretation at his hearing prevented him from presenting evidence or testimony relevant to the issue of exceptional and extremely unusual hardship to a qualifying relative. *See Aden v. Holder*, 589 F.3d 1040, 1047 (9th Cir. 2009) (“To establish a due process violation, a petitioner must show that defects in translation prejudiced the outcome of the hearing.”).

PETITION FOR REVIEW DENIED.