

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 5 2020

FOR THE NINTH CIRCUIT

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

DALE ANTHONY BENNETT, AKA Dale
Anthony Stephens,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-71346

Agency No. A208-837-037

MEMORANDUM*

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

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

Dale Anthony Bennett, a native and citizen of Belize, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") removal order. We dismiss 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).

We lack jurisdiction to consider whether Bennett’s waiver of the right to appeal was considered and intelligent where he failed to raise the issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (generally requiring exhaustion of claims before the BIA); *cf. Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005) (where a waiver of appeal was not considered and intelligent, the waiver does not strip the court of jurisdiction).

To the extent Bennett challenges the BIA’s May 16, 2018, order dismissing his appeal from the IJ’s order denying his motion to reopen, that challenge is not properly before us. *See Dela Cruz v. Mukasey*, 532 F.3d 946, 948 (9th Cir. 2008) (“Congress envisioned two separate petitions filed to review two separate final orders.” (internal quotation marks, emphasis, and citation omitted)); *Lin v. Gonzales*, 473 F.3d 979, 981 n.1 (9th Cir. 2007) (noting that denials of subsequent motions to reopen require separate petitions for review).

The Clerk will mail an additional copy of this memorandum disposition to Bennett at:

17 Nurse Seay Street
Belize City
Belize, C.A.

PETITION FOR REVIEW DISMISSED.