

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 20 2020

FOR THE NINTH CIRCUIT

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

RUI ZHEN HAN,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-72143

Agency No. A073-535-011

MEMORANDUM*

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

Submitted July 14, 2020**

Before: CANBY, FRIEDLAND, and R. NELSON, Circuit Judges.

Rui Zhen Han, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's ("IJ") decision denying a waiver of removal under Immigration and Nationality Act ("INA") § 237(a)(1)(H). 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 review the BIA's discretionary denial of Han's 237(a)(1)(H) waiver application because she does not present an exhausted constitutional claim or question of law. *See Vasquez v. Holder*, 602 F.3d 1003, 1017 (9th Cir. 2010) (while the court lacks jurisdiction to review the discretionary denial of a 237(a)(1)(H) waiver, it may review constitutional claims or questions of law). Han failed to exhaust her contentions that the agency made an erroneous adverse credibility determination and that the agency violated due process by failing to provide an opportunity to explain inconsistencies in her testimony. *See Agyeman v. INS*, 296 F.3d 871, 877 (9th Cir. 2002) (no jurisdiction to entertain due process claims based on correctable procedural errors unless the petitioner raised them below).

PETITION FOR REVIEW DISMISSED.