

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2020

FOR THE NINTH CIRCUIT

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

FRANCISCO EDENILSON RODRIGUEZ-  
ALVA,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 19-71986

Agency No. A201-289-716

MEMORANDUM\*

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

Submitted October 26, 2020\*\*

Before: McKEOWN, RAWLINSON, and FRIEDLAND, Circuit Judges.

Francisco Edenilson Rodriguez-Alva, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his request for voluntary departure. We have jurisdiction under 8 U.S.C. § 1252. We review de novo

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\* 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).

questions of law. *Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 (9th Cir. 2013).

We deny the petition for review.

In light of the court's December 17, 2019, order dismissing the petition for review as to Rodriguez-Alva's cancellation of removal claim, we do not address the cancellation of removal contentions raised in Rodriguez-Alva's opening brief. *See* Docket Entry No. 9 (dismissing petition for review as to cancellation of removal claim).

Rodriguez-Alva's contention that the agency violated his due process rights by improperly denying voluntary departure fails, where Rodriguez-Alva did not meet his burden to establish his eligibility. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error to prevail on a due process claim).

On December 17, 2019, the court granted a stay of removal. The stay of removal remains in place until issuance of the mandate.

**PETITION FOR REVIEW DENIED.**