

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 25 2022

FOR THE NINTH CIRCUIT

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

QIUXIAO LIU,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 17-70661

Agency No. A206-349-063

MEMORANDUM*

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

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Qiuxiao Liu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order summarily dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture. We

* 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).

have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's decision to summarily dismiss an appeal and we review de novo claims of due process violations. *Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in summarily dismissing Liu's appeal where his notice of appeal failed to identify specific reasons for challenging the IJ's decision, and where Liu indicated on his notice of appeal that a separate written brief would be filed but failed to do so. *See* 8 C.F.R. §§ 1003.1(d)(2)(i)(A), (E), 1003.3(b); *see also Singh*, 416 F.3d at 1013 (summary dismissal was not an abuse of discretion where notice of appeal lacked sufficient specificity and no brief was filed after indicating the intent to file a separate written brief).

Liu's related contention that the BIA violated his right to due process by summarily dismissing his appeal fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (error is required to prevail on a due process claim).

PETITION FOR REVIEW DENIED.