

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 21 2022

FOR THE NINTH CIRCUIT

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

GUOHUI CHEN,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-70383

Agency No. A208-723-269

MEMORANDUM*

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

Submitted April 11, 2022**

Before: McKEOWN, CHRISTEN, and BRESS, Circuit Judges.

Guohui Chen, a native and citizen of China, petitions pro se 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. Our

* 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).

jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the BIA's decision to summarily dismiss an appeal. *Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in summarily dismissing Chen's appeal where his notice of appeal failed to identify specific reasons for challenging the IJ's decision, and where Chen indicated on his notice of appeal that a separate written brief would be filed but he failed to do so. *See* 8 C.F.R.

§§ 1003.1(d)(2)(i)(A), (E), 1003.3(b); *Garcia-Cortez v. Ashcroft*, 366 F.3d 749, 752 (9th Cir. 2004) (the BIA may summarily dismiss an appeal if a noncitizen "submits no separate written brief or statement to the BIA *and* inadequately informs the BIA of what aspects of the decision were allegedly incorrect and why" (internal quotation marks and citation omitted)).

We lack jurisdiction to consider the challenges to the IJ's decision Chen raises in his opening brief. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (court lacks jurisdiction to review claims not presented to the agency).

The temporary stay of removal remains in place until issuance of the mandate.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.