

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 25 2023

FOR THE NINTH CIRCUIT

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

VICTOR IVAN HERNANDEZ MARQUEZ,

No. 18-72510

Petitioner,

Agency No. A205-322-721

v.

MEMORANDUM\*

MERRICK B. GARLAND, Attorney  
General,

Respondent.

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

Submitted January 23, 2023\*\*  
San Francisco, California

Before: GOULD, RAWLINSON, and BRESS, Circuit Judges.

Victor Ivan Hernandez Marquez, a native and citizen of Mexico, received a Notice to Appear (“NTA”) charging him with removability for entry without inspection. The NTA did not contain the time, date, location of the hearing, or the address of the court in which the NTA was filed. The immigration court later

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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).

circulated a Notice of Hearing with notice of the time, date, and location of the hearing, and the address of the court.

Hernandez applied for withholding of removal and protection under the Convention Against Torture. The Immigration Judge (“IJ”) found that Hernandez did not qualify for relief and ordered him removed. The Board of Immigration Appeals (“BIA”) affirmed the IJ’s decision.

Hernandez petitioned for review of the BIA decision, arguing that the immigration court did not have jurisdiction over his removal proceedings because the NTA did not contain the time, date, and location of the hearing, nor the address of the court.

We review questions of law de novo. *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1076 (9th Cir. 2020). The immigration court has jurisdiction over a removal proceeding even if the original NTA does not contain the date, time, and location of the hearing. *United States v. Bastide-Hernandez*, 39 F.4th 1187, 1192 (9th Cir. 2022) (en banc); *see also Aguilar Fermin v. Barr*, 958 F.3d 887, 895 (9th Cir. 2020); *Karingithi v. Whitaker*, 913 F.3d 1158, 1160 (9th Cir. 2019). The immigration court had jurisdiction. Hernandez did not challenge the BIA’s holding on any other basis. Thus, we deny the petition.

**PETITION DENIED.**