

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JORGE LUIS VAZQUEZ-MIRANDA,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 23-1590

Agency No.  
A209-809-611

MEMORANDUM\*

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

Submitted September 10, 2024\*\*  
Phoenix, Arizona

Before: RAWLINSON and COLLINS, Circuit Judges, and FITZWATER, \*\*\* District  
Judge.

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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).

\*\*\* The Honorable Sidney A. Fitzwater, United States District Judge for the  
Northern District of Texas, sitting by designation.

Jorge Luis Vazquez-Miranda (“Vazquez-Miranda”), a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals (“BIA”) denying his motion to reopen, reconsider, and terminate his removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition. Because the parties are familiar with the facts of this case, we do not recount them here except as necessary to provide context.

Vazquez-Miranda’s argument that his removal proceedings should have been terminated for lack of jurisdiction because of the Supreme Court’s decision in *Pereira v. Sessions*, 585 U.S. 198, 202 (2018), is foreclosed by *United States v. Bastide-Hernandez*, 39 F.4th 1187 (9th Cir. 2022) (en banc), in which we held that the Immigration and Nationality Act’s time and place requirement “is a claim-processing rule” not “implicating the [immigration] court’s adjudicatory authority,” *id.* at 1191. Accordingly, although Vazquez-Miranda’s initial notice to appear did not specify the time and place of his initial removal hearing and he was provided with that information only in a later notice of hearing, the BIA did not err when it denied his motion.

**PETITION DENIED.**