

NOV 02 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|---|
| <p>JOSE DOLORES BERUMEN-CORREA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
|---|

No. 06-70821

Agency No. A090-181-647

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Jose Dolores Berumen-Correa, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals’ (“BIA”) order summarily affirming an immigration judge’s (“IJ”) removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo constitutional claims, *Khan v. Holder*, 584

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

F.3d 773, 776 (9th Cir. 2009), and we deny in part and dismiss in part the petition for review.

Berumen-Correa's equal protection and due process retroactivity challenges to the IJ's denial of section 212(c) relief are foreclosed by *Abebe v. Mukasey*, 554 F.3d 1203, 1207, 1208 n.7 (9th Cir. 2009) (en banc).

We lack jurisdiction to consider Berumen-Correa's remaining contentions because he failed to exhaust them before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004); *Zara v. Ashcroft*, 383 F.3d 927, 931 (9th Cir. 2004) (the exhaustion requirement applies to "streamlined" cases).

PETITION FOR REVIEW DENIED in part, DISMISSED in part.