

JAN 24 2017

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDWIN LEON-ORRELLANO, AKA
Edwin Leon-Arellano, AKA Wilson Cain
Ramos,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72318

Agency No. A095-625-612

MEMORANDUM*

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

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Edwin Leon-Orrellano, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's order of removal. We dismiss the petition for review.

* 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).

We lack jurisdiction over Leon-Orrellano’s petition for review. Leon-Orrellano’s waiver of his right to appeal constitutes a failure to exhaust his administrative remedies. *See* 8 U.S.C. § 1252(d)(1); *Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (the court lacks jurisdiction to consider legal claims not presented in an alien’s administrative proceedings before the agency). Moreover, Leon-Orrellano failed to exhaust his contentions that his waiver of appeal was not knowing and intelligent, *see Brown v. Holder*, 763 F.3d 1141,1097 (9th Cir. 2014) (“On appeal to the BIA, . . . Brown did not claim that the waiver was not knowing and voluntary, and therefore we may not review this claim.”), or that his waiver resulted from ineffective assistance of counsel, *see Tijani*, 628 F.3d at 1080.

PETITION FOR REVIEW DISMISSED.