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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE MANUEL HUERTA-CARRILLO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72789

Agency No. A074-416-548

MEMORANDUM*

On Petition for Review of an Order of the
Department of Homeland Security

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Jose Manuel Huerta-Carrillo, a native and citizen of Mexico, petitions for review of the Department of Homeland Security's ("DHS") order reinstating his 1997 exclusion order under 8 U.S.C. § 1231(a)(5). Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Garcia de Rincon v. DHS*,

* 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).

539 F.3d 1133, 1136 (9th Cir. 2008). We deny in part and dismiss in part the petition for review.

Based on the transcript dated January 16, 1997, Huerta-Carrillo has not established a gross miscarriage of justice in his initial exclusion proceedings.¹ *See id.* at 1138 (a petitioner may not obtain collateral review of the underlying order being reinstated unless he demonstrates “a gross miscarriage of justice” in the initial removal proceedings).

We lack jurisdiction to review Huerta-Carrillo’s contentions related to the underlying 2007 and 2011 Board of Immigration Appeals’ decisions because this petition for review is not timely as to those decisions. *See* 8 U.S.C. § 1252(b)(1); *Stone v. INS*, 514 U.S. 386, 405 (1995).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.

¹ The government has not contested the authenticity of the January 16, 1997, transcript included in Huerta-Carrillo’s opening brief.