

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 13 2022

FOR THE NINTH CIRCUIT

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

NELSON URIEL LOZANO-CARRANZA,  
AKA Nelson Uriel Lozano,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 16-74005

Agency No. A205-713-163

MEMORANDUM\*

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

Submitted December 8, 2022\*\*  
Pasadena, California

Before: BEA, IKUTA, and CHRISTEN, Circuit Judges.

Nelson Lozano-Carranza petitions for review of the Board of Immigration Appeals' ("BIA") dismissal of his appeal of the Immigration Judge's ("IJ") final order of removal. We deny the petition.

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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).

Lozano-Carranza is a Mexican citizen who entered the United States without inspection. He appeared pro se in his removal hearing despite previously having been granted a continuance to obtain counsel. He waived his right to an attorney, conceded removability, and applied for no relief.

Lozano-Carranza argues he was denied Due Process because the IJ allegedly failed to develop the record, explain relevant procedures, or advise on the need for corroborating evidence to establish eligibility for relief. But once the IJ determined—on the record—that Lozano-Carranza was not apparently eligible for any form of relief, Lozano-Carranza had “no blanket right to be advised of the possibility of asylum or other relief.” *Valencia v. Mukasey*, 548 F.3d 1261, 1263 (9th Cir. 2008). First, Lozano-Carranza did not testify that he had ever been “harmed in Mexico” or feared harm, so he did not qualify for asylum, withholding of removal, or protection from removal under the Convention Against Torture. Second, Lozano-Carranza testified to being incarcerated for two and a half years, so he failed to show “good moral character” to qualify for cancellation of removal. 8 U.S.C. § 1229b(b)(1)(B).

The BIA did not abuse its discretion in denying Lozano-Carranza’s motion for a remand because he did not include an application for asylum in his motion, nor did he establish prima facie eligibility for asylum relief in his declaration. *Romero-Ruiz v. Mukasey*, 538 F.3d 1057, 1064 (9th Cir. 2008), *overruled on other grounds*

*by Cheneau v. Garland*, 997 F.3d 916 (9th Cir. 2021).

**PETITION DENIED.**