

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-1749**

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JUAN SIMERI CRUZ, a/k/a Juan Simeri Pineda Cruz,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney General,

Respondent.

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

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Submitted: November 16, 2017

Decided: January 2, 2018

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Before WILKINSON, TRAXLER, and HARRIS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Juan Simeri Cruz, Petitioner Pro Se. Madeline Henley, Office of Immigration Litigation,  
UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Simeri Cruz, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal from the immigration judge's decision denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture. Cruz has waived review of his applications for relief because he fails to challenge the Board's decisions denying those applications in his informal brief. *See* 4th Cir. R. 34(b); *Suarez-Valenzuela v. Holder*, 714 F.3d 241, 248-49 (4th Cir. 2013) (deeming issues not raised in opening brief waived). We also conclude that the Board did not abuse its discretion by not remanding the proceedings to consider Cruz's application for cancellation of removal. *See Hussain v. Gonzales*, 477 F.3d 153, 155 (4th Cir. 2007) (stating standard of review). Finally, we conclude that Cruz failed to establish a due process violation. *See Anim v. Mukasey*, 535 F.3d 243, 256 (4th Cir. 2008) (noting that burden is on applicant to show that defect in proceedings prejudiced outcome).

Accordingly, while we grant Cruz leave to proceed in forma pauperis, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*PETITION DENIED*