

NOT FOR PUBLICATION

MAY 19 2014

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

SILVANA MARIA GIANELLO
CABRERA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-73687

Agency No. A099-632-110

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Silvana Maria Gianello Cabrera, a native and citizen of Uruguay, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order returning the record to the Immigration Court without further action, in light of Gianello Cabrera's withdrawal of her appeal from an immigration judge's decision denying

* 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).

her application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We determine de novo our jurisdiction. *Alarcon-Serrano v. INS*, 220 F.3d 1116, 1119 (9th Cir. 2000). We dismiss the petition for review.

Gianello Cabrera withdrew her appeal before the BIA. Because she failed to exhaust her administrative remedies, we lack jurisdiction over the contentions in this petition for review. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

On December 26, 2012, Gianello Cabrera filed a motion to lift the stay of removal, and repeated this request in her opening brief. In light of our December 24, 2012, order lifting the temporary stay of removal, these motions are dismissed as moot.

PETITION FOR REVIEW DISMISSED.