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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE DANILO ROJEL-GOMEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Nos. 13-73231

14-71489

Agency No. A098-006-777

MEMORANDUM\*

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

Submitted April 7, 2015\*\*

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

In these consolidated petitions for review, Jose Danilo Rojel-Gomez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's order acknowledging withdrawal of Rojel-Gomez's applications for asylum, withholding

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\* 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).

of removal, and protection under the Convention Against Torture, and granting his application for voluntary departure (No. 13-73231), and the BIA's subsequent order denying his motion to reopen (No. 14-71489). We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations. *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We review for abuse of discretion the denial of a motion to reopen. *Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005).

The BIA did not deny Rojel-Gomez's due process in dismissing his appeal. *See Larita-Martinez v. INS*, 220 F.3d 1092, 1096 (9th Cir. 2000) (no due process violation where there is no error); *see also* 8 C.F.R. § 1003.1(d)(2)(i)(C) (BIA may summarily dismiss where "appeal is from an order that granted the party concerned the relief that had been requested"). Thus, we deny the petition for review in No. 13-73231.

The BIA did not abuse its discretion in denying Rojel-Gomez's motion to reopen where Rojel-Gomez did not establish the evidence he submitted was new. *See* 8 C.F.R. § 1003.2(c)(1); *Bolshakov v. INS*, 133 F.3d 1279, 1282 (9th Cir.

1998) (upholding agency’s denial of a motion to reopen where petitioner failed to establish evidence was “new”). Thus, we deny the petition for review in No. 14-71489.

**PETITIONS FOR REVIEW DENIED.**