

OCT 20 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OSCAR MADRIGAL,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73925

Agency No. A091-816-725

MEMORANDUM*

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

Submitted October 14, 2015**

Before: SILVERMAN, BYBEE, and WATFORD, Circuit Judges.

Oscar Madrigal, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for cancellation of removal. We dismiss the petition for review.

* 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).

Madrigal has never challenged the IJ's dispositive determination that his conviction is a crime of domestic violence under 8 U.S.C. § 1227(a)(2)(E) that renders him statutorily ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C), nor does he challenge the BIA's determination that he waived that issue by failing to raise it on appeal. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (the court lacks jurisdiction to consider legal claims not presented in an alien's administrative proceedings); *Rizk v. Holder*, 629 F.3d 1083, 1091 n.3 (9th Cir. 2011) (a petitioner waives an issue by failing to raise it in the opening brief). In light of this dispositive determination, we do not reach Madrigal's contention that his conviction is not a crime involving moral turpitude. *See Mendez-Alcaraz v. Gonzales*, 464 F.3d 842, 844 (9th Cir. 2006) (declining to reach nondispositive challenges to a BIA order).

PETITION FOR REVIEW DISMISSED.