

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 29 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IRWIN MONJE-RAMIREZ,

Defendant - Appellant.

No. 14-50232

D.C. No. 3:13-cr-01660-BEN-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted October 22, 2015**
Pasadena, California

Before: PREGERSON and TROTT, Circuit Judges and STAFFORD,*** Senior
District Judge.

* 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).

*** The Honorable William H. Stafford, Jr., Senior District Judge for the
U.S. District Court for the Northern District of Florida, sitting by designation.

To prevail in this case, Monje-Ramirez must carry the burden of showing that he suffered prejudice as a consequence of a due process violation in connection with his expedited removal order in 2005. Prejudice means that he must demonstrate that he had “plausible grounds for relief” from deportation. United States v. Vaca, 771 F.3d 1195, 1206 (9th Cir. 2014). This burden he cannot meet.

First, because he was an aggravated felon removable under 8 U.S.C. § 1228(b), he was statutorily ineligible for any form of discretionary relief.

Second, as articulated by the district court, it is unimaginable given his serious criminal record that any immigration judge would grant him any kind of relief.

Judgment of conviction AFFIRMED.