

NOV 25 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GUMARO QUINTERO-FELIX, AKA
Gumaro Felix, AKA Gumaro Quintero,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70343

Agency No. A070-716-041

MEMORANDUM*

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

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Gumaro Quintero-Felix, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order summarily affirming an immigration judge's ("IJ") decision denying his application for asylum,

* 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).

withholding of removal, and relief under the Convention Against Torture. We dismiss the petition for review.

Both before the BIA and this court, Quintero-Felix failed to challenge the IJ's dispositive determination that he is not eligible for asylum and withholding of removal because his 2005 conviction is an aggravated felony and a particularly serious crime. *See* 8 U.S.C. §§ 1158(b)(2)(A)(ii), (B)(i) (asylum); 8 U.S.C. § 1231(b)(3)(B)(ii) (withholding); *see also 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 before the agency); *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 disposition, we need not reach Quintero-Felix's remaining contentions.

PETITION FOR REVIEW DISMISSED.