

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 21 2016

FOR THE NINTH CIRCUIT

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

LUIS RAMIREZ-GREGORIO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-71250

Agency No. A205-648-301

MEMORANDUM*

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

Submitted September 13, 2016**

Before: HAWKINS, N.R. SMITH, and HURWITZ, Circuit Judges.

We grant Respondent's unopposed motion to expedite this appeal, and deny her motion to lift the stay (Docket Entry No. 26). Luis Ramirez-Gregorio, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for asylum. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law, and for substantial evidence the agency's factual findings. *Husyev v. Mukasey*, 528 F.3d 1172, 1177 (9th Cir. 2008). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review Ramirez-Gregorio's contention that he established extraordinary circumstances excusing the delay in filing his asylum application based on legal disability and applications for other immigration benefits because he did not raise this contention before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (court lacks jurisdiction to review claims not presented to the agency).

Apart from his contention regarding extraordinary circumstances, Ramirez-Gregorio does not challenge the BIA's finding that he did not establish changed circumstances excusing his untimely asylum application. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-1080 (9th Cir. 2013) (issues not specifically raised and argued in a party's opening brief are waived). Thus, we deny the petition for review.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.