

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 13 2018

FOR THE NINTH CIRCUIT

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

BERNARTITA MOSES, AKA Bernartita
Mariano Moses,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-72051

Agency No. A206-352-760

MEMORANDUM*

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

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

Bernartita Moses, a native and citizen of the Federated States of Micronesia, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision ordering her removed. Our

* 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).

jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

Moses has not raised, and therefore she has waived, any challenge to the agency's determination that her conviction under Hawaii Penal Code §§ 708-830(2), 708-831(1)(b) is a crime involving moral turpitude. *See Corro-Barragan v. Holder*, 718 F.3d 1174, 1177 n.5 (9th Cir. 2013) (failure to contest issue in opening brief resulted in waiver). Moses also waived any challenge to removability, because she did not raise this contention in her opening brief. *See id.*

We lack jurisdiction to consider Moses's unexhausted challenges to the validity of her criminal conviction. *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 before the agency).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.