

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 21 2018

FOR THE NINTH CIRCUIT

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

LEONARDO SOTO MENDOZA,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 16-70462

Agency No. A200-700-450

MEMORANDUM*

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

Submitted September 12, 2018**

Before: LEAVY, HAWKINS, and TALLMAN, Circuit Judges.

Leonardo Soto Mendoza, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") denial of his motion for administrative closure. We have jurisdiction under 8 U.S.C. § 1252. We review de novo due process claims.

* 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).

Gonzalez-Caraveo v. Sessions, 882 F.3d 885, 889 (9th Cir. 2018). We deny the petition for review.

Although the IJ failed to explain his reasons for denying Soto Mendoza's motion for administrative closure, the BIA reviewed the motion on appeal and sufficiently explained its reasons for denying under the factors applicable at the time of the agency's final decision. *See Ghaly v. INS*, 58 F.3d 1425, 1430 (9th Cir. 1995) ("Any error committed by the IJ will be rendered harmless by the [BIA's] application of the correct legal standard."); *Gonzalez-Caraveo*, 882 F.3d at 891. Accordingly, Soto Mendoza's due process contention fails. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error and substantial prejudice to prevail on a due process claim).

PETITION FOR REVIEW DENIED.