

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2019

FOR THE NINTH CIRCUIT

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

LEONARDO PERALES-MERCADO,

No. 18-70847

Petitioner,

Agency No. A097-381-676

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted September 18, 2019**

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

Leonardo Perales-Mercado, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005).

* 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).

We deny in part and dismiss in part the petition for review.

Our jurisdiction to review the BIA’s discretionary determination that Perales-Mercado lacked good moral character under the “catch-all” provision at 8 U.S.C. § 1101(f) is limited to questions of law or constitutional claims. *See* 8 U.S.C. § 1252(a)(2)(B), (D). Perales-Mercado has not established any error of law in the BIA’s discussion of the IJ’s 2017 particularly serious crime determination as part of its moral character analysis. *See, e.g., Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1078 (9th Cir. 2015) (“[T]he BIA may determine that [a DUI] offense constitutes a particularly serious crime on a case-by-case basis[.]”).

We do not reach Perales-Mercado’s contentions regarding the IJ’s per se good moral character determination under 8 U.S.C. § 1101(f)(1) because our review is limited to the BIA’s order. *See Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010) (review is limited to the actual grounds relied upon by the BIA).

Perales-Mercado’s contentions that the agency violated its own procedures, and the BIA failed to review the IJ’s denial of voluntary departure, are not supported by the record.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.