NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT SHEDLER, Petitioner, v. MERRICK B. GARLAND, Attorney General, Respondent.	No. 20-71167 Agency No. A213-210-869 MEMORANDUM[*]

On Petition for Review of an Order of an Immigration Judge

Submitted October 19, 2022[**]
Pasadena, California

Before: WATFORD and HURWITZ, Circuit Judges, and VITALIANO,[***] District Judge.

[*] 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).

[***] The Honorable Eric N. Vitaliano, United States District Judge for the Eastern District of New York, sitting by designation.

Robert Shedler, a native and citizen of Haiti, petitions for review of an immigration judge's affirmance of an asylum officer's negative credible fear determination in expedited removal proceedings. We dismiss the petition for lack of jurisdiction.

Congress has provided that "no court shall have jurisdiction to review" an order of removal made under 8 U.S.C. § 1225(b)(1)(B), which governs expedited removal proceedings. 8 U.S.C. § 1252(a)(2)(A)(iii); *see Guerrier v. Garland*, 18 F.4th 304, 308–09 (9th Cir. 2021) (noting that, while this court "[g]enerally . . . ha[s] jurisdiction to review final orders of removal," it does not "have jurisdiction to review an expedited removal order except as provided in subsection (e) of section 1252," which provides a limited exception for certain habeas corpus proceedings) (internal citations and quotation marks omitted). Shedler challenges only the substantive reasoning of the immigration judge's order of removal, and makes no due process or other constitutional claim. The limited exceptions to § 1252(a)(2)(A)(iii) clearly do not apply here, so that provision strips us of jurisdiction to hear Shedler's claims.

Petitioner's reliance on *Andrade-Garcia v. Lynch*, 828 F.3d 829 (9th Cir. 2016), is misplaced, as that case concerned jurisdiction over reasonable fear review proceedings, not credible fear review proceedings under 8 U.S.C. § 1225(b)(1)(B). These two types of proceedings are governed by different sets of rules concerning

our review. *See, e.g.*, *Singh v. Barr*, 982 F.3d 778, 783–84 (9th Cir. 2020) (distinguishing "a reasonable fear determination in the context of a reinstatement of a prior removal order under 8 U.S.C. § 1231(a)(5)" from "a credible fear determination under § 1225(b)(1)" and finding no jurisdiction to review denial of a motion to reopen the latter). Consequently, although 8 U.S.C. § 1252(a)(2)(A)(iii) does not deprive us of jurisdiction to hear a petition concerning a reasonable fear review proceeding, it does strip us of jurisdiction to hear a petition concerning a credible fear review proceeding, which is the petition now before us. Since we are without authority to hear it, Shedler's petition must be dismissed.

PETITION DISMISSED.