NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JULIO ADRIAN SALAS, Petitioner, v. MERRICK B. GARLAND, Attorney General, Respondent.	No. 23-586 Agency No. A200-551-350 MEMORANDUM[*]

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

Submitted March 27, 2024[**]
San Francisco, California

Before: WALLACH,[***] NGUYEN, and BUMATAY, Circuit Judges.

[*] 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 Evan J. Wallach, United States Senior Circuit Judge for the U.S. Court of Appeals for the Federal Circuit, sitting by designation.

Petitioner Julio Adrian Salas, a native and citizen of Mexico, was initially placed in removal proceedings in 2014, and was denied asylum and relief from removal, and was ordered removed by the Immigration Judge ("IJ") on March 29, 2019. The Board of Immigration Appeals ("BIA") adopted and affirmed the IJ's decision, and denied Petitioner's motion to remand.

As the parties are familiar with the facts, we do not recount them here. Petitioner timely seeks our review. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

Petitioner's sole argument is that the BIA failed to consider his argument in his motion to remand that the IJ had failed to inform him about potential relief under the Convention Against Torture ("CAT"). Petitioner argues that the IJ's failure to inform him violated his right to due process. We review denials of motions to remand for abuse of discretion, *Taggar v. Holder*, 736 F.3d 886, 889 (9th Cir. 2013), and we review due process challenges in immigration proceedings de novo, *Arizmendi-Medina v. Garland*, 69 F.4th 1043, 1047 (9th Cir. 2023) (citing *Zetino v. Holder*, 622, F.3d 1007, 1011–12 (9th Cir. 2010)). To succeed on a due process challenge in an immigration proceeding, a noncitizen petitioner must demonstrate that "(1) the proceeding was so fundamentally unfair that the [petitioner] was prevented from reasonably presenting his case, and (2) the [petitioner] demonstrates prejudice, which means that the outcome of the

proceeding may have been affected by the alleged violation." *Id.* at 1048 (quoting *Zetino*, 622 F.3d at 1013).

The BIA did not abuse its discretion in finding that Petitioner failed to make any showing of prejudice. Petitioner did not provide the IJ with an I-589 form with any more content than his name, an Alien Registration Number, and a checked box indicating his interest in CAT relief. Before the BIA, Petitioner did not provide a new I-589 with any additional information, nor any other specific arguments or supporting documentation to support a conclusion he is plausibly eligible for CAT relief. *United States v. Reyes-Bonilla*, 671 F.3d 1036, 1049-50 (9th Cir. 2012) (noting that prejudice "requires some evidentiary basis" and "not merely a showing that some form of immigration relief was theoretically possible"). Before us, Petitioner does not point to any specific arguments or supporting documentation provided to the BIA to make the required showing of prejudice. Thus, the BIA did not abuse its discretion in denying Petitioner's motion to remand.

PETITION DENIED.