



1 his constitutional rights, and that because he was deported before being notified of the BIA’s  
2 decision, he was not allowed to file a motion for reconsideration or appeal the matter to the  
3 appropriate court of appeals. *See id.* at 31. He asks this court to “reverse the judgment of the  
4 Immigration Judge and remand with instructions that it grant the writ and return this matter to the  
5 agency so that [he] may submit an application for cancellation of removal in accordance with 8  
6 U.S.C. [§] 1229(b).” *Id.* at 12.

7 Federal district courts lack jurisdiction to review matters related to removal proceedings.  
8 Instead, jurisdiction resides only in the circuit courts of appeals, which serve as the “the sole and  
9 exclusive means” of reviewing an order of removal. *See* 8 U.S.C. § 1252(a)(5)  
10 (“Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241  
11 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a  
12 petition for review filed with an appropriate court of appeals in accordance with this section shall  
13 be the sole and exclusive means for judicial review of an order of removal entered or issued under  
14 any provision of this Act, except as provided in subsection (e).”<sup>1</sup>); *see also* *Rafaelano v. Wilson*,  
15 471 F.3d 1091, 1095 (9th Cir. 2006). Accordingly, this court does not have jurisdiction to hear  
16 petitioner’s claims and the petition must be dismissed. *See Puri v. Gonzales*, 464 F.3d 1038,  
17 1041 (9th Cir. 2006).

18 Accordingly, it is hereby RECOMMENDED that the petition for writ of habeas corpus be  
19 dismissed for lack of subject matter jurisdiction and the Clerk be directed to close the case.

20 These findings and recommendations are submitted to the United States District Judge  
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
22 after being served with these findings and recommendations, any party may file written  
23 objections with the court and serve a copy on all parties. Such a document should be captioned  
24 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
25 shall be served and filed within fourteen days after service of the objections. Failure to file

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26 <sup>1</sup> This subsection provides for limited review via habeas corpus of orders of removal  
27 issued with respect to certain aliens who have arrived in the United States, but who have not been  
28 granted formal entry. *See* 8 U.S.C. §§ 1252(e), 1225(b). Petitioner does not fall within this  
exception to § 1252(a)(5).

1 objections within the specified time may waive the right to appeal the District Court's order.  
2 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.  
3 1991).

4 DATED: June 30, 2014.

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6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
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