



Hernandez v. Holder

2010 | Cited 0 times | Ninth Circuit | January 22, 2010

NOT FOR PUBLICATION

MEMORANDUM¹

Submitted January 11, 2010²

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Leopoldo Negrete Hernandez, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal of an immigration judge's ("IJ") decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings. *Ibarra-Flores v. Gonzales*, 439 F.3d 614, 620 (9th Cir. 2006). We deny the petition for review.

Negrete contends the IJ violated due process by excluding a letter from a doctor describing the environmental pollution in Ecatepec, Mexico. Contrary to Negrete's contention, the proceedings were not "so fundamentally unfair that [he] was prevented from reasonably presenting his case." *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (citation omitted). Moreover, Negrete failed to demonstrate that consideration of the letter may have affected the outcome of the proceedings. See *id.* (requiring prejudice to prevail on a due process challenge).

PETITION FOR REVIEW DENIED.

1. This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.
2. The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

