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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE DOLORES MENA,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-75518

Agency No. A78-089-531

MEMORANDUM\*

On Petition for Review of an Order of the  
Bureau of Immigration and Customs Enforcement

Submitted August 26, 2008\*\*

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Jose Dolores Mena, a native and citizen of Mexico, petitions for review of the Bureau of Immigration and Customs Enforcement’s decision to reinstate his prior removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

novo claims of due process violations, *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001). We deny the petition for review.

Mena's challenge to 8 U.S.C. § 1231(a)(5) is foreclosed by *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 498 (9th Cir. 2007) (en banc) (concluding that a previously removed alien who reenters the country unlawfully is not entitled to a hearing before an immigration judge on whether to reinstate a prior removal order).

Mena is precluded from applying for adjustment of status. *See Padilla v. Ashcroft*, 334 F.3d 921, 925 (9th Cir. 2003) (8 U.S.C. § 1231(a)(5) bars an alien who has had a removal order reinstated from adjustment of status).

**PETITION FOR REVIEW DENIED.**