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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARCOS VILLAFUERTE ROCHA, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 11-72608 Agency No. A079-359-493 MEMORANDUM[*]

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

Submitted December 19, 2012[**]

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Marcos Villafuerte Rocha, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law, and review for substantial evidence

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

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the agency's factual findings. *Aguilar Gonzalez v. Mukasey*, 534 F.3d 1204, 1208 (9th Cir. 2008). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's finding that Villafuerte Rocha was inadmissable for alien smuggling where the record contains Villafuerte Rocha's sworn statement admitting that he knew the passengers in his car had no legal documentation to enter the United States, and that he had participated in making arrangements to pick them up in Mexico. *See* 8 U.S.C. § 1182(a)(6)(E)(i); *Urzua Covarrubias v. Gonzales*, 487 F.3d 742, 748-49 (9th Cir. 2007).

We reject Villafuerte Rocha's due process claim regarding the manner in which the immigration officials obtained his statement. *See Cuevas-Ortega v. INS*, 588 F.2d 1274, 1278 (9th Cir. 1979) (no due process violation because "the bare assertion that a statement is involuntary is insufficient" to prove coercion).

We lack jurisdiction to review Villafuerte Rocha's remaining contentions because he failed to exhaust them before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.