

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

RAQUEL SANCHEZ-CRUZ,  
Petitioner,

No. 99-70044

v.

I&NS No.  
A70-196-840

IMMIGRATION AND NATURALIZATION  
SERVICE,  
Respondent.

OPINION

Petition to Review a Decision of the  
Immigration and Naturalization Service

Argued and Submitted  
October 11, 2000--Pasadena, California

Filed June 25, 2001

Before: Betty B. Fletcher, Sidney R. Thomas and  
Kim McLane Wardlaw, Circuit Judges.

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**COUNSEL**

Arielle Basses and John Ayala, South Pasadena, California,  
for the petitioner.

William J. Howard and Carl McIntyre, U.S. Department of  
Justice, Washington, D.C., for the respondent.

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cates that would be deprived her were she forced to return to Mexico. The opportunities she describes,

There is nothing to indicate discretionarily that she should be granted the relief she is seeking. She has never served in the armed forces of the United States nor contributed in any significant way to this country, never giving community service or charitable

## II

Under the Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 3009 (1996), deportation proceedings initiated prior to April 1, 1997, for which a final order of deportation is issued after October 30, 1996, are subject to "transitional rules of

due process challenges." Antonio-Cruz v. INS, 147 F.3d 1129, 1130 (9th Cir. 1998). We review de novo due process chal-



In this case, as in Colmenar, the IJ repeatedly interrupted the petitioner and "behaved not as a neutral fact-finder interested in hearing the petitioner's evidence, but as a partisan adjudicator seeking to intimidate" the petitioner. Id. He refused to allow the petitioner to introduce evidence that specifically contradicted some of his factual findings and called her a "liar" at various junctures of the evidentiary proceeding. In his decision, the IJ focused almost exclusively on the period during which Sanchez-Cruz received public assistance

able due process claim, but we are barred from reviewing it by her failure to exhaust this claim before the BIA.

**DISMISSED.**

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