

United States Court of Appeals  
For the Eighth Circuit

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No. 14-1933

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Misael Sierra Hernandez

*Petitioner*

v.

Eric H. Holder, Jr., Attorney General of the United States

*Respondent*

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

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Submitted: December 1, 2014

Filed: December 5, 2014

[Unpublished]

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Before GRUENDER, BENTON, and KELLY, Circuit Judges.

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PER CURIAM.

Misael Sierra Hernandez, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals, which upheld an Immigration Judge's decision denying his motion to suppress evidence and ordering him removed. In support of his petition, Hernandez argues he suffered an egregious violation of his Fourth Amendment rights during the traffic stop that led to the deportation

proceedings underlying his removal; and he was detained in violation of 8 C.F.R. § 287.7(d) (when Department of Homeland Security issues detainer for alien not otherwise detained by criminal justice agency, agency shall maintain custody of alien for period not to exceed 48 hours, excluding weekends and holidays, to permit assumption of custody). After careful review, *see Martinez Carcamo v. Holder*, 713 F.3d 916, 921 (8th Cir. 2013) (standard of review), we deny the petition, because we agree with the BIA that (1) Hernandez did not make a prima facie showing that he suffered the alleged Fourth Amendment violation, *see Lopez-Fernandez v. Holder*, 735 F.3d 1043, 1047 (8th Cir. 2013); and (2) even if a violation of the 48-hour limit in section 287.7(d) occurred, Hernandez failed to show resulting prejudice, *see Rajah v. Mukasey*, 544 F.3d 427, 446-47 (2d Cir. 2008).

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