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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>NILDA ARMECIN SMITH; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 04-75481

Agency Nos. A073-828-436
A073-828-437
A073-828-438

MEMORANDUM*

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

Submitted December 12, 2008**
Pasadena, California

Before: SILVERMAN and BEA, Circuit Judges, and CONLON,*** District Judge.

* 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).

*** The Honorable Suzanne Conlon, United States District Judge for the Northern District of Illinois, sitting by designation.

Nilda Armechin Smith (“Nilda”) and her two daughters, Ana Faye Armechin Mendoza (“Ana”) and Maria Lucita Armechin Mendoza (“Maria”), petition for review of the BIA’s affirmation of an Immigration Judge’s (“IJ”) order denying their applications for cancellation of removal under 8 U.S.C. § 1229b(b)(2) or, in the alternative, voluntary departure. Ana and Maria also petition for review of the BIA’s denial of their motion for adjustment of status based on their husbands’ United States citizenship.

The IJ denied the petitioners’ applications for cancellation of removal in part because of her discretionary finding the petitioners had proffered no evidence that their removal would be an “extreme hardship” as required by 8 U.S.C. § 1229b(b)(2)(v). We lack jurisdiction to review such discretionary findings and dismiss the petitions for review as to claims under section 1229b(b)(2). *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 891 (9th Cir. 2003). Likewise, we lack jurisdiction over, and dismiss the petitions for review of, the BIA and IJ’s denial of the requests for voluntary departure. 8 U.S.C. § 1229c(f).

We deny Ana and Maria’s petitions for review of the BIA’s denial of their motions for adjustment of status in light of *Bona v. Gonzales*, 425 F.3d 663, 667–71 (9th Cir. 2005). The BIA already considered *Bona* and subsequently

enacted regulations when it denied Ana and Maria's motions to reopen their removal proceedings on August 15, 2006, so remand would be futile.

DISMISSED in part and **DENIED** in part.