

DEC 16 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ISABEL CELESTINO-SOLIS; et  
al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 08-72744

Agency Nos. A093-423-428  
A099-418-165  
A099-418-166

MEMORANDUM \*

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

Submitted December 1, 2008\*\*

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")  
order dismissing petitioners' appeal of the Immigration Judge's ("IJ") order  
denying petitioners' application for cancellation of removal.

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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).

A review of the administrative record demonstrates that petitioners conceded that their qualifying relative for purposes of cancellation of removal as defined in 8 U.S.C. § 1229b(b)(1)(D) died prior to their merits hearing before the IJ.

Petitioners therefore do not have a qualifying relative for purposes of applying for cancellation of removal and the BIA correctly concluded that, as a matter of law, petitioners were ineligible for cancellation of removal. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1093-94 (9th Cir. 2002). Accordingly, respondent's unopposed motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

**PETITION FOR REVIEW DENIED.**