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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ELVIA ZUNIGA ESPINOZA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-74446

Agency No. A079-525-528

MEMORANDUM*

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

Submitted March 18, 2009**

Before: LEAVY, HAWKINS and TASHIMA, Circuit Judges.

Elvia Zuniga Espinoza seeks review of a Board of Immigration Appeals (BIA) order denying her motion to reopen removal proceedings. We dismiss the petition for review.

* 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).

We lack jurisdiction to review the BIA’s denial of petitioner’s motion to reopen, which introduced further evidence of hardship to her United States citizen children. *See Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) (“Section 1252(a)(2)(B)(i) . . . bars jurisdiction where the question presented is essentially the same discretionary issue originally decided”).

Our conclusion that we lack jurisdiction to review the BIA’s denial of reopening forecloses petitioner’s argument that the BIA denied her due process by failing to meaningfully review and analyze the issues raised in the motion. *See Fernandez*, 439 F.3d at 603-04; *Tovar-Landin v. Ashcroft*, 361 F.3d 1164, 1167 (9th Cir. 2004) (explaining that cancellation is a discretionary form of relief in which a petitioner has no due process rights regarding the denial thereof).

PETITION FOR REVIEW DISMISSED.