

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 26 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSE OJEDA-VAZQUEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-72862

Agency No. A075-718-504

MEMORANDUM*

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

Submitted May 12, 2009**

Before: PREGERSON, CANBY, and BERZON, Circuit Judges.

Jose Ojeda-Vazquez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

* 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).

immigration judge's ("IJ") decision denying his application for cancellation of removal. We dismiss the petition for review.

Contrary to Ojeda-Vazquez's contention, the IJ concluded that Ojeda-Vazquez lacks good moral character as a matter of discretion. We lack jurisdiction to consider his challenge to that determination. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *see also Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005).

We also lack jurisdiction to consider Ojeda-Vazquez's contention that the IJ made an improper credibility determination because he did not raise it before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (generally requiring exhaustion of claims before the BIA).

PETITION FOR REVIEW DISMISSED.