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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA DEL ROSARIO BALTAZAR BARRAZA,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 05-75910

Agency No. A075-664-867

MEMORANDUM \*

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

Submitted June 16, 2009\*\*

Before: PAEZ, TALLMAN and N.R. SMITH, Circuit Judges.

Maria Del Rosario Baltazar Barraza, a native and citizen of Mexico,  
petitions for review of the Board of Immigration Appeals' ("BIA") order  
dismissing her appeal from an immigration judge's ("IJ") decision denying her

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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).

application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Baltazar Barraza failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Contrary to Baltazar Barraza's contention, the IJ's application of the hardship standard falls within the broad range authorized by statute. *See Ramirez-Perez v. Ashcroft*, 336 F.3d 1001, 1004 (9th Cir. 2003).

We lack jurisdiction to consider Baltazar Barraza's claim regarding the IJ's conduct of her hearing because the issue was not exhausted before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004). To the extent Baltazar Barraza now contends that her former attorneys provided ineffective assistance of counsel, we lack jurisdiction to consider this claim because it also was not exhausted before the BIA. *See Ontiveros-Lopez v. INS*, 213 F.3d 1121, 1124 (9th Cir. 2000).

Finally, to the extent Baltazar Barraza contends that the BIA did not consider some or all of the evidence in the record, she fails to overcome the

presumption that the BIA did review the record. *See Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006).

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**