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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FREDIC MORAN MARIN; HUMBERTO RENE MORAN MARIN,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 06-71678

Agency Nos. A095-295-000
A095-295-001

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.

Fredic and Humberto Rene Moran Marin, brothers and natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their

* 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).

applications for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional claims, *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001), and we deny the petition for review.

Petitioners contend that the agency violated their right to equal protection by not allowing them to apply for suspension of deportation. This contention is unavailing because petitioners were served with a notice to appear in 2002, when suspension of deportation was no longer available. *See Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107-08 (9th Cir. 2003) (holding that being placed in removal proceedings rather than deportation proceedings does not violate a petitioner's due process rights); *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 602-03 (9th Cir. 2002) (rejecting equal protection claim and upholding congressional "line drawing" decisions that are rationally related to a legitimate government purpose).

PETITION FOR REVIEW DENIED.