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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MANUELA GOMEZ ORTEGA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 06-72868

Agency No. A075-762-294

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.

Manuela Gomez Ortega, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her 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 her application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that Gomez Ortega failed to establish exceptional and extremely unusual hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Gomez Ortega's contention that the IJ failed to consider all of the hardship evidence is not supported by the record and does not amount to a colorable due process claim. *See id.*; *see also Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009) (no jurisdiction over petitioner's contention that the IJ's decision is factually inconsistent with prior agency hardship determinations).

We are not persuaded by Gomez Ortega's challenge to the BIA's procedure of adoption and affirmance under *Matter of Burbano*, 20 I. & N. Dec. 872, 874 (BIA 1994). *See Abebe v. Gonzales*, 432 F.3d 1037, 1040 (9th Cir. 2005) (en banc) (discussing affirmances under *Burbano*).

PETITION FOR REVIEW DISMISSED.