

AUG 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JAVAID LODHIE,</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. 06-73070

Agency No. A17-173-996

MEMORANDUM*

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

Submitted July 8, 2009**
Portland, Oregon

Before: PREGERSON, RYMER, and GRABER, Circuit Judges.

Petitioner Javid Lodhie petitions for review from a final order of the Board of Immigration Appeals ("BIA") denying his request for cancellation of removal.

1. We lack jurisdiction over the petition for review pursuant to 8 U.S.C. § 1252(a)(2)(B)(i) because Petitioner challenges a discretionary decision—the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

denial of his application for cancellation of removal in the exercise of discretion.

We lack jurisdiction to review a decision by the BIA denying an alien's application

for cancellation of removal in the exercise of discretion. Mendez-Castro v.

Mukasey, 552 F.3d 975, 978 (9th Cir. 2009).

2. Petitioner has not set forth a colorable constitutional claim over which we could otherwise exercise jurisdiction. See id. (holding that "any challenge of an [immigration judge's] discretionary determination must present a colorable claim" in order for this court to exercise jurisdiction (citing Martinez-Rosas v. Gonzales, 424 F.3d 926, 930 (9th Cir. 2005))).

PETITION DISMISSED.