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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| ANTELMO RAMIREZ,<br><br>Petitioner,<br><br>v.<br><br>ERIC H. HOLDER Jr., Attorney General,<br><br>Respondent. | No. 06-74956<br><br>Agency No. A091-578-996<br><br>MEMORANDUM* |

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

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Antelmo Ramirez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration

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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).

judge's decision that, as a matter of discretion, Ramirez did not merit cancellation of removal under 8 U.S.C. 1229(b)(a). We dismiss the petition for review.

Contrary to Ramirez's contention, the IJ's finding regarding "continuous residence" did not factor into the IJ's denial of Ramirez's application for cancellation of removal as a matter of discretion. We therefore lack jurisdiction to review this discretionary determination. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 890 (9th Cir. 2003) ("We [have] interpreted [8 U.S.C. § 1252(a)(2)(B)(i)] to encompass all discretionary decisions involved in the cancellation of removal context, including the ultimate discretionary decision to deny relief."); *see also Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929-30 (9th Cir. 2005). The REAL ID Act of 2005 did not alter our jurisdiction in this regard. *See Martinez-Rosas*, 424 F.3d at 929-30.

We do not reach petitioner's contentions regarding his continuous residence as the discretionary denial is determinative.

**PETITION FOR REVIEW DISMISSED.**