

SEP 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS AURELIO VALDIVIA-AVILA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-72240

Agency No. A079-767-599

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.

Luis Aurelio Valdivia-Avila, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming 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") order denying his application for adjustment of status.

We dismiss the appeal.

We lack jurisdiction to review the IJ's discretionary denial of Valdivia-Avila's application for adjustment of status. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Bazua-Cota v. Gonzales*, 466 F.3d 747, 748 (9th Cir. 2006) (per curiam).

Valdivia-Avila's contention that the IJ improperly weighed the evidence in his case does not present a colorable constitutional claim or question of law over which this court may exercise jurisdiction. *See Bazua-Cota*, 466 F.3d at 749.

PETITION FOR REVIEW DISMISSED.