

OCT 13 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICARDO LOZANO ORTIZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71710

Agency No. A079-530-466

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.

Ricardo Lozano Ortiz, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' denial of his application for

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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).

cancellation of removal based on his failure to establish the requisite hardship to his lawful permanent resident wife and their United States citizen children.

We lack jurisdiction to consider petitioner's challenge to the BIA's nonreviewable discretionary determination that there was insufficient evidence to establish the requisite hardship to his qualifying relatives. *See Fernandez v. Gonzales*, 439 F.3d 592, 601-03 (9th Cir. 2006).

**PETITION FOR REVIEW DISMISSED.**