

DEC 07 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAVIER DELGADO-TORRES,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-70546

Agency No. A092-208-782

MEMORANDUM*

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

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Javier Delgado-Torres, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his 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 decision denying his application for a waiver of inadmissibility. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary decision to deny Delgado-Torres a waiver of inadmissibility under § 212(h) of the Immigration and Naturalization Act. *See Mejia v. Gonzales*, 499 F.3d 991, 999 (9th Cir. 2007) (holding that 8 U.S.C. § 1252(a)(2)(B)(i) precludes the court from reviewing the agency's decision under § 212(h)).

Delgado-Torres' contention that the agency deprived him of due process by misapplying the law to the facts of his case is not supported by the record and does not state a colorable due process claim. *See Bazua-Cota v. Gonzales*, 466 F.3d 747, 749 (9th Cir. 2006) (per curiam).

PETITION FOR REVIEW DISMISSED.