

DEC 14 2009

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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NOT FOR PUBLICATION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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| <p>JUANA JIMENEZ, MIGUEL JIMENEZ-ROJAS</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p> |
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Nos. 06-72051  
06-72054

Agency No. A079-526-197  
A079-526-196

MEMORANDUM\*

On Petitions for Review of Orders of the  
Board of Immigration Appeals  
and the former Legalization Appeals Unit

Submitted November 17, 2009\*\*

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

Juana Jimenez and Miguel Jimenez-Rojas, natives and citizens of Mexico,  
petition for review of the Board of Immigration Appeals' order summarily

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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).

affirming an immigration judge's ("IJ") removal order (No. 06-72051), and the former Legalization Appeals Unit's ("LAU") order dismissing Jimenez-Rojas' appeal from the denial of his Special Agricultural Worker ("SAW") application (No. 06-72054). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a SAW application. *Perez-Martin v. Ashcroft*, 394 F.3d 752, 758 (9th Cir. 2005). We dismiss the petition for review in No. 06-72051 and deny the petition for review in No. 06-72054.

We lack jurisdiction to review the agency's discretionary determination that petitioners failed to establish exceptional and extremely unusual hardship. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *see also* *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

We also lack jurisdiction over petitioners' remaining contentions in No. 06-72051, which are not colorable. *See* *Mendez-Castro v. Mukasey*, 552 F.3d 975, 978 (9th Cir. 2009) (any challenge to an IJ's discretionary determination must present a colorable claim).

The LAU did not abuse its discretion in dismissing Jimenez-Rojas' SAW appeal where Jimenez-Rojas provided insufficient evidence of qualifying employment. *See* *Perez-Martin*, 394 F.3d at 759-60 (to overcome derogatory government evidence, an applicant must provide enough evidence to show

qualifying employment “as a matter of just and reasonable inference”) (quoting 8 U.S.C. § 1160(b)(3)(B)(iii)).

**No. 06-72051: PETITION FOR REVIEW DISMISSED**

**No. 06-72054: PETITION FOR REVIEW DENIED.**