

DEC 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SILVIANO RUIZ PEREZ,  
  
Petitioner,  
  
v.  
  
ERIC H. HOLDER Jr., Attorney General,  
  
Respondent.

No. 06-74148

Agency No. A079-586-741

MEMORANDUM\*

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

Submitted December 15, 2009\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Silviano Ruiz Perez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an

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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 concludes this case is 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 and waiver under 8 U.S.C. § 1182(i). We dismiss the petition for review.

We generally lack jurisdiction by statute to review the agency's discretionary decision to deny a waiver under 8 U.S.C. § 1182(i). *See* 8 U.S.C. § 1182(i)(2) ("No court shall have jurisdiction to review a decision on action of the Attorney General regarding a waiver under paragraph 1"). Ruiz Perez's due process challenge does not amount to a colorable constitutional claim that would invoke our jurisdiction. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

We also lack jurisdiction to review Ruiz Perez's contention of IJ bias because he failed to raise that issue before the BIA and thereby failed to exhaust his administrative remedies. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (explaining that this court lacks jurisdiction to review contentions not raised before the agency).

**PETITION FOR REVIEW DISMISSED.**