

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 30 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HECTOR ESTRADA-LAMPAYAS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-72048

Agency No. A097-813-414

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.

Hector Estrada-Lampayas, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for cancellation of

* 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).

removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

Estrada-Lampayas' contention that the IJ failed to consider the possibility of hardship caused by familial separation is not supported by the record. To the extent that Estrada-Lampayas contends that the agency abused its discretion by improperly weighing the hardships in this case or by misapplying the facts to the applicable law, we lack jurisdiction. *See Figueroa v. Mukasey*, 543 F.3d 487, 494-95 (9th Cir. 2008) (court lacks jurisdiction to review discretionary hardship determination).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.