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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANA ROSA CUEVAS TALAVERA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-70360

Agency No. A095-414-676

MEMORANDUM*

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

Submitted December 15, 2009**

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

Ana Rosa Cuevas Talavera, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an

* 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") decision denying her application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that Cuevas Talavera lacks the requisite good moral character for cancellation of removal. *See Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005) (indicating that a good moral character determination is only reviewable where it is based on one of the statutory exclusions found in 8 U.S.C. § 1101(f)), *overruled on other grounds by Sanchez v. Holder*, 560 F.3d 1028 (9th Cir. 2009). The IJ's discretionary good moral character determination is dispositive of Cuevas Talavera's application.

PETITION FOR REVIEW DISMISSED.