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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE DANIEL ESTRADA SILVA; ANTONIETA ESTRADA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-75819

Agency Nos. A096-364-796  
A096-364-840

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.

Jose Daniel Estrada Silva and Antonieta Estrada, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying their applications for

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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).

cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

Petitioners’ contentions that the agency legally erred by applying an improper hardship standard and by failing to consider relevant hardship factors are not supported by the record. “Because the [agency] applied the correct legal standard in this case, and because we may not proceed further to examine its application of the facts of this case to the ‘exceptional and extremely unusual hardship’ standard,” we dismiss the petition as to these challenges. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009).

We lack jurisdiction over petitioners’ constitutional claims. *See De Mercado*, 566 F.3d at 816 (discussing jurisdiction over similar “fundamental right to family unity” due process contention); *Kalaw v. INS*, 133 F.3d 1147, 1152 (9th Cir. 1997) (separation of powers).

**PETITION FOR REVIEW DISMISSED.**