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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON SAMUEL LOZADA
MENDOZA; et al.,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-71002

Agency Nos. A096-362-320

A096-362-321

A096-362-322

MEMORANDUM *

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

Submitted February 16, 2010**
San Francisco, California

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Ramon Samuel Lozada Mendoza, Gudelia Gandarilla Araujo and Noemi

Lozada Gandarilla, natives and citizens of Mexico, petition pro se for review of the

* 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).

decision of the Board of Immigration Appeals denying their motion to reopen the BIA's underlying decision summarily affirming the immigration judge's denial of petitioners' application for cancellation of removal based on their lack of a qualifying relative.

Petitioners contend that their equal protection and due process rights were violated by the requirement that petitioners have a qualifying relative in order to qualify for cancellation of removal relief. Petitioners' contention is foreclosed by our decisions in *Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1247 (9th Cir. 2008) (per curiam) (the qualifying relative requirement for cancellation of removal does not violate equal protection rights); *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1108 (9th Cir. 2003) (holding that placing aliens in removal, rather than deportation, proceedings does not by itself amount to a due process violation); and *Hernandez-Mezquita v. Ashcroft*, 293 F.3d 1161, 1163-65 (9th Cir. 2002) (no equal protection violation arising from placing aliens in removal rather than deportation proceedings).

PETITION FOR REVIEW DENIED.