

MAR 24 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANKLIN GADAT JOAQUIN,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-72392

Agency No. A041-874-383

MEMORANDUM*

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

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Franklin Gadat Joaquin, a native and citizen of the Philippines, 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 him relief under former section 212(c) of the Immigration and Nationality Act. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary decision to deny Joaquin section 212(c) relief, and he does not raise a colorable constitutional claim to overcome this jurisdictional bar. *See* 8 U.S.C. § 1252(a)(2)(B)(ii); *Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 923 (9th Cir. 2007) ("Discretionary decisions, including whether or not to grant § 212(c) relief, are not reviewable.").

PETITION FOR REVIEW DISMISSED.