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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DANIEL RENE FUENTES-CENTENO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-73331

Agency No. A076-936-702

MEMORANDUM*

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

Submitted March 16, 2010**

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

Daniel Rene Fuentes-Centeno, a native and citizen of Nicaragua, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for relief under 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).

Nicaraguan Adjustment and Central American Relief Act of 1997 (“NACARA”).

We dismiss the petition for review.

The agency determined that Fuentes-Centeno failed to establish eligibility for relief under NACARA because he did not prove his continuous physical presence in United States commenced prior to December 1, 1995. We lack jurisdiction to review the agency’s determination. *See* NACARA, Pub. L. No. 105-100, § 202(f), 111 Stat. 2160, 2196 (Nov. 19, 1997) (“A determination by the Attorney General as to whether the status of an alien should be adjusted under this section is final and shall not be subject to review by any court.”).

The agency denied Fuentes-Centeno voluntary departure as a matter of discretion. We lack jurisdiction to review such discretionary determinations. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Galeana-Mendoza v. Gonzales*, 465 F.3d 1054, 1056 n.5 (9th Cir. 2006).

PETITION FOR REVIEW DISMISSED.