

APR 16 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GAVINA CHAVEZ-VILLEGAS,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73243

Agency No. A075-744-962

MEMORANDUM\*

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

Submitted April 5, 2010\*\*

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Gavina Chavez-Villegas, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order granting the government's appeal from an immigration judge's decision granting cancellation of removal.

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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).

Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo constitutional questions and questions of law, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003), and we dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA's discretionary determination that Chavez-Villegas failed to show exceptional and extremely unusual hardship. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Chavez-Villegas's contention that the BIA violated her due process rights by disregarding her evidence of hardship is not supported by the record and does not amount to a colorable constitutional claim. *See id.* (“traditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”).

Contrary to Chavez-Villegas's contention, the BIA's application of the hardship standard falls within the broad range authorized by statute. *See Ramirez-Perez v. Ashcroft*, 336 F.3d 1001, 1004 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**