

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 02 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ERNESTO VALDEZ ARELLANO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70625

Agency No. A096-061-833

MEMORANDUM*

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

Submitted May 25, 2009**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Ernesto Valdez Arellano, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal, and denying his motion to remand. Our jurisdiction is governed by

* 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).

8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000), and we deny in part and dismiss in part the petition for review.

Valdez Arellano’s due process rights were not violated by transcription errors and the BIA’s denial of his motion to remand. The proceedings were not “so fundamentally unfair that [Valdez Arellano] was prevented from reasonably presenting his case” and he had not established prejudice from the transcription errors. *Id.* at 971 (citation omitted).

We lack jurisdiction to review the agency’s discretionary determination that Valdez Arellano failed to establish exceptional and extremely unusual hardship to a qualifying relative. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 890 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.