

JUN 04 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|---|
| <p>ALEJANDRO CONEJO AGUIRRE; et al.,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
|---|

No. 08-74625

Agency Nos. A095-814-466
A095-816-348
A095-816-349
A095-816-350

MEMORANDUM*

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

Submitted May 25, 2010**

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

Alejandro Conejo Aguirre, Maria Elena Conejo, husband and wife and their sons, Jesus Conejo Ramos and Alejandro Guadalupe Conejo Ramos, natives and citizens of Mexico, petition pro se for review of a Board of Immigration Appeals

* 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).

order dismissing their appeal from an immigration judge's denial of their application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that petitioner parents, Alejandro Sr. and Maria, failed to show exceptional and extremely unusual hardship to the U.S. citizen children. 8 U.S.C. § 1252(a)(2)(B); *Mendez-Castro v. Mukasey*, 552 F.3d 975, 979 (9th Cir. 2009). We lack jurisdiction to consider the contention of petitioner sons, Jesus and Alejandro Jr., that they had no qualifying relative, because they did not exhaust this claim before the Board. *See Ontiveros-Lopez v. INS*, 123 F.3d 1121, 1124 (9th Cir. 2000) (declining to consider a claim that Board did not have first opportunity to consider).

Petitioners' contention that the immigration judge violated their right to a fair hearing because she did not state on the record that she had reviewed and familiarized herself with the record in accordance with 8 C.F.R. § 1240.1(b) does not raise a colorable due process claim. *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

PETITION FOR REVIEW DISMISSED.