

JUN 09 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FEDERICO CIBRIAN CONTRERAS; MARIA DE JESUS SANCHEZ QUINTERO,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 07-72163

Agency Nos. A095-191-836
A095-191-837

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.

Federico Cibrian Contreras and Maria de Jesus Sanchez Quintero, husband
and wife and natives and citizens of Mexico, petition for review of an order of 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).

Board of Immigration Appeals (“BIA”) dismissing their appeal from an immigration judge’s decision denying their applications for cancellation of removal and denying their motion to remand. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to remand, *de Jesus Melendez v. Gonzales*, 503 F.3d 1019, 1023 (9th Cir. 2007), and we dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA’s discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). We do not reach petitioners’ contention regarding physical presence because the hardship determination is dispositive. *See* 8 U.S.C. § 1229b(b)(1).

The BIA did not abuse its discretion by denying the motion to remand because the BIA considered the evidence petitioners submitted and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (The BIA’s denial of a motion to reopen shall be reversed if it is “arbitrary, irrational, or contrary to law”).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.