

JUL 19 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON ADOLFO CORDOBA-
JIMENEZ; MARIA ISABEL VIVEROS
DE CORDOBA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-71901

Agency Nos. A079-290-250
A079-290-251

MEMORANDUM*

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

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Ramon Adolfo Cordoba-Jimenez and Maria Isabel Viveros De Cordoba,
natives and citizens of Mexico, petition for review of the Board of Immigration
Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ")

* 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).

removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations in immigration proceedings, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003), and we deny the petition for review.

Petitioners' claim that the IJ violated due process by not considering their new hardship evidence fails because the BIA considered petitioners' motion to reopen under the same standard that the IJ would have and concluded that petitioners failed to demonstrate prima facie eligibility for cancellation of removal. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring prejudice for a petition to prevail on a due process claim).

PETITION FOR REVIEW DENIED.