

SEP 29 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTIN PINEDA MARTINEZ;
HELADIA GONZALEZ DE PINEDA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73694

Agency Nos. A096-064-308

A096-064-309

MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMTIH, Circuit Judges.

Martin Pineda Martinez and Heladia Gonzalez de Pineda, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") order summarily affirming 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. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. 8 U.S.C. § 1252(a)(2)(B)(i); *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

To the extent petitioners contend that the BIA's streamlined order did not demonstrate sufficient consideration of the hardship factors in denying their cancellation of removal applications, their challenge is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 851 (9th Cir. 2003).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.