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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE GUADALUPE CISNEROS
GUTIERREZ; LILIA SALAZAR
GARCIA; NAYELI CISNEROS
SALAZAR,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72465

Agency Nos. A096-056-592

A096-056-593

A096-056-594

MEMORANDUM*

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

Submitted September 13, 2010**

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

Jose Guadalupe Cisneros Gutierrez, Lilia Salazar Garcia, and Nayeli

Cisneros Salazar, natives and citizens of Mexico, petition for review of the Board
of Immigration Appeals' order dismissing their appeal from an immigration

* 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).

judge's order denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing de novo questions of law, *Garcia-Lopez v. Ashcroft*, 334 F.3d 840, 843 (9th Cir. 2003), we deny in part and dismiss in part the petition for review.

The agency properly concluded that Cisneros Gutierrez was ineligible for cancellation of removal due to his conviction under California Welfare and Institutions Code § 10980(c)(2). *See* 8 U.S.C. §§ 1182(a)(2)(A)(i)(I), 1229(d)(1)(B). Cisneros Gutierrez's contention that his conviction was automatically reduced to a misdemeanor by operation of California Penal Code § 17(b)(1) and therefore qualified for the petty offense exception is unavailing. *See Garcia-Lopez*, 334 F.3d at 844-45.

We lack jurisdiction to review the agency's discretionary determination that Salazar Garcia failed to show exceptional and extremely unusual hardship to her U.S. citizen children. *See* 8 U.S.C. § 1252(a)(2)(B); *Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.