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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARTIN MORENO-PINEDA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-73461

Agency No. A098-915-077

MEMORANDUM*

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

Submitted October 19, 2010**
San Francisco, California

Before: O'SCANNLAIN, TALLMAN and BEA, Circuit Judges.

Petitioner Martin Moreno-Pineda, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals order denying his motion to reopen removal proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

* 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).

We lack jurisdiction to review the Board's denial of Moreno-Pineda's motion to reopen for failure to establish prima facie eligibility for cancellation of removal. *See Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) (explaining that § 1252(a)(2)(B)(i) bars jurisdiction when question presented in motion to reopen is essentially the same hardship ground originally decided). Our conclusion that we lack jurisdiction to review this determination forecloses Moreno-Pineda's contentions that the Board denied him due process by failing to explain adequately its reasons for denying the motion to reopen, and that this court cannot conduct a meaningful review of the agency's legal reasoning. *See id.* at 603-04.

The Board did not abuse its discretion in denying Moreno-Pineda's motion to reconsider because the Board did not commit any errors of fact or law, including when it determined the IJ's decision reflected an awareness of the statutory and discretionary standards and a familiarity with the record. 8 C.F.R. § 1003.2(b)(1); *see Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.