

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BONIFACIO RABANALES ALVAREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-72332

Agency No. A070-501-127

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Bonifacio Rabanales Alvarez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order summarily affirming the immigration judge’s (“IJ”) decision denying his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We

* 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).

review de novo due process claims, *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001), and we deny in part and dismiss in part the petition for review.

Rabanales Alvarez's contention that the BIA violated due process by streamlining his case is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 848 (9th Cir. 2003) (BIA's summary affirmance procedure does not violate due process).

We lack jurisdiction to review the agency's denial of cancellation of removal on hardship grounds. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Rabanales Alvarez's contention that the agency violated his due process rights by failing to consider all the elements of his hardship claim is not supported by the record and does not amount to a colorable constitutional claim. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 980 (9th Cir. 2009).

We lack jurisdiction to review the BIA's February 9, 2006, order dismissing Rabanales Alvarez's appeal from the IJ's decision denying asylum, withholding of removal, and protection under the Convention Against Torture, because this petition for review is not timely as to that order. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Rabanales Alvarez's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.