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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ENRIQUE ALBERTO GARCIA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-70093

Agency No. A023-545-189

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Enrique Alberto Garcia, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order sustaining the government's appeal from an immigration judge's ("IJ") decision granting his

* 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).

application for relief under the Nicaraguan Adjustment and Central American Relief Act of 1997 (“NACARA”). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency’s discretionary denial of relief under NACARA. *See* NACARA, Pub.L. No. 105-100, § 203(b); *see also* 8 U.S.C. § 1252(a)(2)(B).

Contrary to Garcia’s contention, the BIA acted within its regulatory authority in reviewing the IJ’s factual findings for clear error. *See* 8 C.F.R. § 1003.1(d)(3)(i).

Garcia’s remaining contentions are unavailing.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.