

JAN 18 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLOS GUSTAVO CLAROS RODRIGUEZ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 08-74858

Agency No. A072-528-564

MEMORANDUM*

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

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Carlos Gustavo Claros Rodriguez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his applications for special rule cancellation of removal under the Nicaraguan

* 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).

Adjustment and Central American Relief Act (“NACARA”), and for non-lawful permanent resident cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo due process claims. *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency’s determination that Claros Rodriguez did not establish eligibility for NACARA relief, as that finding is based on disputed facts. *See* Illegal Immigration Reform and Immigrant Responsibility Act of 1996, § 309(c)(5)(C)(ii); *cf. Barrios v. Holder*, 581 F.3d 849, 857 (9th Cir. 2009).

We also lack jurisdiction to review the agency’s determination that Claros Rodriguez failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Claros Rodriguez’s contentions that the IJ disregarded his evidence of hardship and did not consider the evidence in the aggregate are not supported by the record and do not amount to colorable constitutional claims. *See Martinez-Rosas*, 424 F.3d at 930.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.