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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ISAU LOPEZ-RECINOS, a.k.a. Gesu
Lopez, a.k.a. Isau Lopez, a.k.a. Francisco
Recinos, a.k.a. Francisco Resinos,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73940

Agency No. A094-453-312

MEMORANDUM*

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

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

Isau Lopez-Recinos, a native and citizen of El Salvador, petitions for
review of the Board of Immigration Appeals' order dismissing his appeal from an

* 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).

immigration judge's ("IJ") decision denying his application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Lopez-Recinos failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 978 (9th Cir. 2009).

Lopez-Recinos' contentions that the agency violated his due process rights by disregarding his evidence of hardship are not supported by the record and do not amount to colorable constitutional claims. *See id.* at 980; *see also Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) ("[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.").

We lack jurisdiction to review Lopez-Recinos' unexhausted contentions that the IJ violated due process by prohibiting him from filing a Temporary Protective Status ("TPS") application and that the government erred by failing to advise him of his right to apply for a waiver of inadmissibility. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

We do not reach Lopez-Recinos' contentions regarding whether he merited TPS because he did not file a TPS application before the IJ.

PETITION FOR REVIEW DISMISSED.