

JUN 22 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE ANTONIO SORIA BARRIGA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 09-73871

Agency No. A097-867-722

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O’SANNLAIN, and FISHER, Circuit Judges.

Jose Antonio Soria Barriga, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s denial of his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law,

* 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).

including claims of due process violations. *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 discretionary determination that Soria Barriga did not demonstrate “exceptional and extremely unusual hardship” to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). Because the hardship issue is dispositive, *see* 8 U.S.C. § 1229b(b)(1)(D), we do not reach Soria Barriga’s contentions regarding his continuous physical presence.

Soria Barriga’s equal protection contention regarding the rights of his United States citizen children is not colorable. *See Urbano de Malaluan v. INS*, 577 F.2d 589, 594 (9th Cir. 1978). Soria Barriga’s due process claims are not persuasive.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.