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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CELEDONIO VARGAS-VIVAR,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72592

Agency No. A099-580-727

MEMORANDUM*

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

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Celedonio Vargas-Vivar, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' decision dismissing his appeal from the immigration judge's denial of his application for cancellation of removal based on

* 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).

his failure to establish the requisite hardship to his qualifying United States citizen children.

We lack jurisdiction to review the IJ's discretionary determination that Vargas-Vivar did not demonstrate "exceptional and extremely unusual hardship," and Vargas-Vivar has not presented a colorable constitutional claim for us to review. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

PETITION FOR REVIEW DISMISSED.