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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANCISCO JAVIER BAUTISTA CABRALES,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 10-70964

Agency No. A072-404-334

MEMORANDUM*

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

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Francisco Javier Bautista Cabrales, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We

* 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).

review de novo constitutional claims, *Khan v. Holder*, 584 F.3d 773, 776 (9th Cir. 2009), and we dismiss in part, and deny in part, the petition for review.

We lack jurisdiction to review the BIA's discretionary decision to deny Bautista Cabrales's application for cancellation of removal, *see De Mercado v. Mukasey*, 566 F.3d 810, 814 (9th Cir. 2009), and Bautista Cabrales does not contend that this dispositive decision suffers from any legal or constitutional defect, *see Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

The proceedings were not "so fundamentally unfair that [Bautista Cabrales] was prevented from reasonably presenting his case." *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (citation and quotation omitted).

In light of our disposition, we do not reach Bautista Cabrales's remaining contentions.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.