

AUG 10 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GERMAN TELLO TORRES;
ALEJANDRA LUGO LUJANO,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72150

Agency Nos. A096-069-727
A096-069-728

MEMORANDUM*

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

Submitted August 2, 2011**

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

German Tello Torres and Alejandra Lugo Lujano, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen.

* 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).

Toufighi v. Mukasey, 538 F.3d 988, 992 (9th Cir. 2008). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA's discretionary determination that the motion to reopen's additional evidence of hardship was insufficient to establish a prima facie case of the hardship required for cancellation of removal. *See Fernandez v. Gonzales*, 439 F.3d 592, 600-603 (9th Cir. 2006).

The BIA did not abuse its discretion in denying petitioners' motion to reopen based on the new evidence regarding violence in Mexico because petitioners did not demonstrate prima facie eligibility for the relief sought. *See Toufighi*, 538 F.3d at 996-97; *see also Cano-Merida v. INS*, 311 F.3d 960, 965-66 (9th Cir. 2002).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.