

SEP 06 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LUIS GENARO GANDARA REYES;
MARIA VILLEGAS,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-71539

Agency Nos. A075-768-710
A075-768-711

MEMORANDUM*

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

Submitted September 1, 2011**
Pasadena, California

Before: ALARCÓN, O’SCANNLAIN, and SILVERMAN, Circuit Judges.

Luis Genaro Gandara Reyes and Maria Villegas, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals summary affirmance of an immigration judge’s order denying their applications for

* 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).

cancellation of removal. Petitioners contend that the agency erred in ruling that they failed to meet their burden of establishing exceptional and extremely unusual hardship to their United States citizen daughter because the decision was based in part on the erroneous finding that Villegas would be able to return imminently to the United States as the immediate relative of a citizen. Because petitioners did not exhaust this claim before the BIA, we dismiss the petition for lack of jurisdiction. *See* 8 U.S.C. § 1252(d)(1); *Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

DISMISSED.