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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>VADIM VLADIMIROVICH SAVINSKIY,</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>

No. 10-71940

Agency No. A071-129-244

MEMORANDUM*

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

Submitted September 27, 2012**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Vadim Vladimirovich Savinskiy, a native and citizen of Russia, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo constitutional claims and 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).

Khan v. Holder, 584 F.3d 773, 776 (9th Cir. 2009). We deny in part and dismiss in part the petition for review.

Savinskiy’s contention that the agency erred by disregarding or mischaracterizing the evidence he submitted in support of his application for cancellation of removal is unavailing. *See Almaghzar v. Gonzales*, 457 F.3d 915, 922 (9th Cir. 2006) (agency did not err where it did not refuse consideration of the evidence and decision stated that agency considered the evidence, whether or not it was specifically mentioned).

We lack jurisdiction over Savinskiy’s contention that the agency committed legal error by failing to adhere to its own precedent in denying his cancellation application in the exercise of discretion. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (a petitioner’s claim that the IJ misapplied precedent in making a discretionary determination “is nothing more than an argument that the IJ abused his discretion, a matter over which we have no jurisdiction”).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.