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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERNESTO BAYLE DE VEGA, a.k.a.
Ernesto Bayle Vega, a.k.a. Ernie Devega,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73116

Agency No. A027-138-284

MEMORANDUM*

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

Submitted September 27, 2011**

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

Ernesto Bayle De Vega, a native and citizen of the Philippines, petitions pro
se for review of the Board of Immigration Appeals’ order dismissing his appeal
from an immigration judge’s (“IJ”) removal order. We dismiss the petition for
review.

* 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).

We lack jurisdiction to review the agency's discretionary denial of De Vega's cancellation of removal application because De Vega has not raised a colorable constitutional or legal challenge to that determination. *See Bermudez v. Holder*, 586 F.3d 1167, 1169 (9th Cir. 2009) (per curiam). In light of our disposition, we need not reach De Vega's contentions regarding his statutory eligibility for cancellation of removal.

We also lack jurisdiction to review De Vega's contention that the IJ violated due process by not granting him a continuance because he failed to exhaust it before the agency. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED.