

DEC 30 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLOS ALFREDO LUGO-MIRAMONTES,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-70443

Agency No. A077-195-285

MEMORANDUM*

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

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Carlos Alfredo Lugo-Miramontes, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his applications for adjustment of status and waivers of inadmissibility under 8 U.S.C. § 1182(a)(9)(B)(v) and 1182(i). Our

* 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).

jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Hamazaspyan v. Holder*, 590 F.3d 744, 747 (9th Cir. 2009). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's decision to deny Lugo-Miramontes' applications for waivers of inadmissibility, which were denied for failure to show extreme hardship to a qualifying relative, as well as his application for adjustment of status, which was denied in the exercise of discretion. *See* 8 U.S.C. § 1252(a)(2)(B).

Lugo-Miramontes' contention that the agency erroneously relied on his attempted fraudulent entry in 1998 to deny his applications for relief is not supported by the record, and therefore does not amount to a colorable constitutional claim.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.