

MAY 17 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KELBERTH ANTONIO DAPOLA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71093

Agency No. A072-133-390

MEMORANDUM*

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

Submitted May 15, 2012 **

Before: CANBY, GRABER and M. SMITH, Circuit Judges.

Kelberth Antonio Dapola, native and citizen of Guatemala, petitions for review of a Board of Immigration Appeals order dismissing his appeal from an

* 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).

immigration judge's denial of his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Dapola failed to show exceptional and extremely unusual hardship to his United States citizen children. 8 U.S.C. § 1252(a)(2)(B); *Mendez–Castro v. Mukasey*, 552 F.3d 975, 979 (9th Cir. 2009).

The contention that the Board failed to properly consider and weigh all evidence of hardship does not raise a colorable due process claim. *Martinez–Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

PETITION FOR REVIEW DISMISSED.