

SEP 14 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEOPOLDO ALCARRAZ-ALARCON; et
al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73933

Agency Nos. A070-915-584
A078-112-865
A078-112-866
A078-112-867

MEMORANDUM*

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

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Leopoldo Alcarraz-Alarcon, Elizabeth Alcarraz, Isabel Alcarraz and Daniel Alcarraz, natives and citizens of Peru, petition pro se for review of the decision of the Board of Immigration Appeals denying their application for cancellation of

* 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).

removal, and upholding the immigration judge's denial of their request for a continuance. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part, and deny in part, the petition for review.

Lead petitioners contend that their United States citizen daughter will experience the requisite hardship if they are forced to move to Peru, and therefore the BIA erred in denying their application for cancellation of removal. The agency applied the proper legal standard, and we lack jurisdiction to review the agency's discretionary determination that lead petitioners failed to show exceptional and extremely unusual hardship to their United States citizen child. *See* 8 U.S.C. § 1252(a)(2)(B); *Mendez-Castro v. Mukasey*, 552 F.3d 975, 979 (9th Cir. 2009).

The BIA did not abuse its discretion by affirming the immigration judge's decision that Alcarraz-Alarcon lacked good cause for a continuance, where the case had been continued many times over the course of seven years, and where the new medical evidence of Elizabeth Alcarraz's latest medical evaluation would not have significantly added to the hardship evidence. *See Ahmed v. Holder*, 569 F.3d 1009, 1012 (9th Cir. 2009).

PETITION FOR REVIEW DISMISSED in part, DENIED in part.