

OCT 15 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TOMASSO GUERRINI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-75820

Agency No. A072-992-079

MEMORANDUM*

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

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Tomasso Guerrini, a native and citizen of Italy, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reconsider.

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 BIA’s denial of Guerrini’s motion to reconsider the discretionary denial of his application for adjustment of status, where he has not raised a colorable due process challenge to the discretionary determination. *See Bazua-Cota v. Gonzales*, 466 F.3d 747, 748-49 (9th Cir. 2006) (per curiam) (order) (“[T]he decision to deny Petitioner’s application for adjustment of status is a discretionary determination, and is therefore unreviewable.”); *Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (“[W]here Congress explicitly withdraws our jurisdiction to review a final order of deportation, our authority to review motions to reconsider or to reopen deportation proceedings is thereby likewise withdrawn.” (citation omitted)).

Guerrini’s remaining contentions are unavailing or unexhausted. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED.