

OCT 15 2012

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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NOT FOR PUBLICATION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.

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\* 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of deportation, our authority to review motions to reconsider or to reopen deportation proceedings is thereby likewise withdrawn.”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.**