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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUSET DANITZA MARTINEZ, a.k.a.
Suset Danitza Hernandez,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73812

Agency No. A095-440-282

MEMORANDUM*

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

Submitted December 19, 2012**

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

Suset Danitza Martinez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s removal order. 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 agency's discretionary determination that Martinez did not merit special rule cancellation of removal for battered spouses. *See* 8 U.S.C. § 1252(a)(2)(B)(i).

Martinez's contention that the agency violated due process by unilaterally vacating her last scheduled hearing and improperly relying on her Form I-213, Record of Deportable/Inadmissible Alien, are not supported by the record and do not amount to colorable constitutional claims that would restore our jurisdiction.

See Martinez-Rosas v. Gonzales, 424 F.3d 926, 930 (9th Cir. 2005).

PETITION FOR REVIEW DISMISSED.