

JAN 16 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GUSTAVO RAFAEL RIVERA-RENDON,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 11-72931

Agency No. A078-000-027

MEMORANDUM*

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

Submitted January 15, 2013**

Before: SILVERMAN, BEA, and NGUYEN, Circuit Judges.

Gustavo Rafael Rivera-Rendon, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision denying his application for adjustment 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).

status. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review the BIA's discretionary denial of adjustment of status and Rivera-Rendon does not raise a colorable due process challenge to the BIA's dispositive discretionary determination. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Bazua-Cota v. Gonzales*, 466 F.3d 747, 748-49 (9th Cir. 2006).

Rivera-Rendon's remaining contentions are not properly before us because they concern portions of the immigration judge's decision that the BIA did not rely upon. *See Santiago-Rodriguez v. Holder*, 657 F.3d 820, 829 (9th Cir. 2011) (review is limited to the grounds relied upon by the BIA).

PETITION FOR REVIEW DISMISSED.