

FEB 13 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GILBERTO MORALES-SANTOS,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71169

Agency No. A088-644-235

MEMORANDUM*

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

Submitted February 11, 2013**

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Gilberto Morales-Santos, 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 denial of his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo claims of due

* 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).

process violations. *Vilchez v. Holder*, 682 F.3d 1195, 1198 (9th Cir. 2012). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Morales-Santos failed to show exceptional and extremely unusual hardship to his qualifying relatives. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). Morales-Santos' contention that he was prevented from reasonably presenting his case is not supported by the record and does not present a colorable claim that establishes our jurisdiction. *See id.*

Morales-Santos' contention that his case warranted review by a three-member panel of the BIA is unavailing. *See* 8 C.F.R. § 1003.1(e)(6).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.