

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 15 2013

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

ALEJANDRO CRUZ-GAMBOA and
JEHORGINA ARREOLA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-75015

Agency Nos. A095-300-298
 A095-300-299

MEMORANDUM*

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

Submitted May 6, 2013**
Pasadena, California

Before: NOONAN, WARDLAW, and MURGUIA, Circuit Judges.

Alejandro Cruz-Gamboa and Jehorgina Arreola, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") dismissal of their appeal from an Immigration Judge's ("IJ") decision which, after

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes that this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

a limited remand, granted voluntary departure but did not reconsider the petitioners' previously-denied applications for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

Because the BIA affirmed the denial of the petitioners' applications for cancellation of removal and expressly limited the scope of its remand to the issue of voluntary departure, the IJ properly refused to reconsider the denial of the applications for cancellation of removal. *See Pinto v. Holder*, 648 F.3d 976, 986 (9th Cir. 2011) (explaining that our precedent does not "allow reconsideration of the petitioner's eligibility for discretionary relief in cases like [the petitioner's] where the BIA definitively adjudicates this issue and where the only lingering question on remand is how petitioner will leave: by removal or through voluntary departure."); *see also Junming Li v. Holder*, 656 F.3d 898, 904 n.1 (9th Cir. 2011); *In re M-D-*, 24 I. & N. Dec. 138, 141 (BIA 2007).

PETITION DENIED.