

AUG 20 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>BHUPINDER SINGH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 10-71426

Agency No. A071-784-034

MEMORANDUM*

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

Submitted August 1, 2013**

Before: GRABER, WARDLAW, and PAEZ, Circuit Judges.

Bhupinder Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision finding him removable and denying his application

* 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).

for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

Substantial evidence supports the BIA's conclusion that the government met its burden to show that Petitioner is removable as an alien present in the United States in violation of law. *See* 8 U.S.C. § 1227(a)(1)(B) (deportable aliens); *Gameros-Hernandez v. INS*, 883 F.2d 839, 841 (9th Cir. 1989) (standard of review).

The BIA concluded as a matter of discretion that Petitioner failed to demonstrate good moral character during the requisite period, on account of having filed a fraudulent visa application, having solicited and submitted a false employment document to support that application, and having lied during an interview. We lack jurisdiction to review that determination. *See Lopez-Castellanos v. Gonzales*, 437 F.3d 848, 854 (9th Cir. 2006).

We also lack jurisdiction over the BIA's denial of voluntary departure for lack of good moral character. *See* 1252(a)(2)(B)(i); *Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005), *overruled on other grounds by Sanchez v. Holder*, 560 F.3d 1028 (9th Cir. 2009) (en banc).

PETITION FOR REVIEW DENIED in part, DISMISSED in part.