

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 01 2013

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

EFRAIN GOMEZ VALENZUELA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-72214

Agency No. A044-568-768

MEMORANDUM*

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

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Efrain Gomez Valenzuela, a native and citizen of Mexico and lawful permanent resident, petitions for review of the Board of Immigration Appeals' order dismissing, upon reconsideration, his appeal from an immigration judge's

* 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).

denial of cancellation of removal as a matter of discretion. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review the agency's determination that Gomez Valenzuela's application for cancellation of removal did not warrant a favorable exercise of discretion. *See* 8 U.S.C. § 1252(a)(2)(B)(i) (barring review of denials of discretionary relief). Gomez Valenzuela's contention that he was denied meaningful review is not supported by the record and therefore is not a colorable claim invoking our jurisdiction. *See* 8 U.S.C. § 1252(a)(2)(D); *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (“[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”).

PETITION FOR REVIEW DISMISSED.