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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FREDY ANTONIO ALAS RECINOS; LOURDES E. REYES MALDONADO,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-70459

Agency Nos. A094-379-163
 A095-024-724

MEMORANDUM*

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

Submitted December 4, 2013**
San Francisco, California

Before: TROTT, THOMAS, and MURGUIA, Circuit Judges.

Fredy Antonio Alas Recino and Lourdes E. Reyes Maldonado, natives and citizens of El Salvador, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s (“IJ”) decision

* 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).

denying Recinos's application for special rule cancellation of removal under Section 203 of the Nicaraguan Adjustment and Central American Relief Act. Maldonado, Recinos's spouse, is a derivative beneficiary of his application. 8 C.F.R. §§ 1240.61(a)(4), 1240.65(b). We have jurisdiction pursuant to 8 U.S.C. § 1252, and we dismiss the petition for review.

The IJ determined that Recinos could not establish "good moral character," a statutory predicate for special rule cancellation, because he had testified falsely. *See* 8 C.F.R. § 1240.66(b)(3); 8 U.S.C. § 1101(f)(6). The IJ alternatively declined to grant relief on discretionary grounds. The BIA affirmed on both the statutory and discretionary grounds. Because we lack jurisdiction to consider the alternative discretionary denial, and that denial disposes of petitioners' claims, we must dismiss the petition for review relief. *See* 8 U.S.C. § 1252(a)(2)(B); *Lopez-Castellanos v. Gonzales*, 437 F.3d 848, 854 (9th Cir. 2006).

PETITION DISMISSED.