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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLOS ENRIQUE PORRES-SANCHEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 12-72198

Agency No. A095-734-563

MEMORANDUM*

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

Submitted January 21, 2014**

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

Carlos Enrique Porres-Sanchez, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen. We dismiss the petition for review.

* 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).

We lack jurisdiction to review Porres-Sanchez's challenge to the BIA's dispositive determination that Porres-Sanchez failed to show the requisite hardship to his qualifying relatives because Porres-Sanchez failed to exhaust this challenge in his motion to reopen before the BIA. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010).

We need not address Porres-Sanchez's remaining contention regarding continuous physical presence because the agency's hardship determination is dispositive. *See* 8 U.S.C. § 1229b(b)(1).

PETITION FOR REVIEW DISMISSED.