

MAY 28 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EDGAR RAUL MARTINEZ-
BARRIENTOS, a.k.a. Edgar Raul
Martinez,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-73570

Agency No. A040-197-600

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Edgar Raul Martinez-Barrientos, a native and citizen of Guatemala, petitions for review of an order of the Board of Immigration Appeals (“BIA”) dismissing his appeal from an immigration judge’s decision denying his applications for

* 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).

cancellation of removal and waivers of inadmissibility under section 212(h) and former section 212(c) of the Immigration and Nationality Act. We dismiss the petition for review.

We lack jurisdiction under 8 U.S.C. § 1252(a)(2)(B)(i) to review the BIA's determination that Martinez-Barrientos did not merit relief from removal as a matter of discretion. *See Mendoza v. Holder*, 623 F.3d 1299, 1302 (9th Cir. 2010) (section 212(h) waiver); *Bermudez v. Holder*, 586 F.3d 1167, 1169 (9th Cir. 2009) (per curiam) (cancellation of removal); *Palma-Rojas v. INS*, 244 F.3d 1191, 1192 (9th Cir. 2001) (per curiam) (former section 212(c) waiver). Martinez-Barrientos raises no colorable constitutional claim or question of law that would invoke our jurisdiction under 8 U.S.C. § 1252(a)(2)(D). *See Bermudez*, 586 F.3d at 1169 (“[A]ny challenge of [the BIA’s] discretionary determination must present a colorable claim’ in order for this court to exercise jurisdiction.” (citation omitted)); *Mendez-Castro v. Mukasey*, 552 F.3d 975, 978 (9th Cir. 2009) (“To be colorable in this context, . . . the claim must have some possible validity.”).

PETITION FOR REVIEW DISMISSED.