

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 16 2014

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

VICTOR MANUEL CABRERA ROSAS;
MARIA ESTHER CABRERA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-73014

Agency Nos. A095-295-030
A095-295-031

MEMORANDUM*

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

Submitted June 12, 2014**

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Victor Manuel Cabrera Rosas and Maria Esther Cabrera, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision denying their

* 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).

applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo constitutional claims and questions of law.

Martinez-Rosas v. Gonzales, 424 F.3d 926, 930 (9th Cir. 2005). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to their qualifying relatives. *See id.*

Petitioners' contention that the agency violated due process by disregarding the evaluations regarding their children's language abilities is not supported by the record and does not amount to a colorable constitutional claim that would invoke our jurisdiction. *See id.* (traditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims).

Petitioners' contention that the BIA violated due process by reviewing de novo the IJ's 2004 decision is unavailing. *See* 8 C.F.R. § 1003.1(d)(3)(ii) (granting BIA authority to review de novo questions of law, discretion, and judgment).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.