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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>SILDER ISAIAS ZUNIGA RAMOS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 11-71999

Agency No. A070-642-371

ORDER*

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

Submitted February 4, 2015**
San Francisco, California

Before: TALLMAN and RAWLINSON, Circuit Judges, and MURPHY, District
Judge.***

Petitioner, Silder Isaias Zuniga Ramos contends he is eligible for Special
Rule Cancellation for one of two reasons: (1) he indeed “filed” an asylum

* 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).

*** The Honorable Stephen Joseph Murphy III, District Judge for the U.S.
District Court for the Eastern District of Michigan, sitting by designation.

application before April 1, 1990; and (2) he is an *ABC* class member that demonstrated an “intent” to register by his 1988 and 1993 asylum applications. *See American Baptist Churches v. Thornburgh* (“*ABC*”), 760 F. Supp. 796 (N.D. Cal. 1991). “IIRIRA expressly precludes federal courts from reviewing the agency’s factual determination that an immigrant is ineligible for *ABC* benefits [] or special rule cancellation of removal under NACARA § 203.” *Ixcot v. Holder*, 646 F.3d 1202, 1213–14 (9th Cir. 2011). “Section 309(c)(5)(C)(ii) [of IIRIRA] provides that ‘[a] determination by the Attorney General as to whether an alien satisfies the requirements of clause (i) is final and shall not be subject to review by any court.’ Therefore, we lack jurisdiction to determine [petitioner’s] statutory eligibility for NACARA § 203 relief.” *Lanuza v. Holder*, 597 F.3d 970, 971 (9th Cir. 2010) (per curiam) (citation omitted).

DISMISSED.