

JUL 27 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ALBERTO CEVALLOS-
RODRIGUEZ, AKA Jose Alberto
Ceballos, AKA Jose Alberto Cevallo,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-70576

Agency No. A095-733-040

MEMORANDUM*

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

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Jose Alberto Cevallos-Rodriguez, a native and citizen of Mexico, 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 the BIA’s determination that the evidence Cevallos-Rodriguez submitted with his motion to reopen does not establish a prima facie case of exceptional and extremely unusual hardship for the purposes of cancellation of removal, where the evidence Cevallos-Rodriguez presented with his motion concerned the same hardship grounds as his application for cancellation of removal in his original removal proceedings. *See Fernandez v. Gonzales*, 439 F.3d 592, 601 (9th Cir. 2006) (“If . . . the BIA determines that a motion to reopen proceedings in which there has already been an unreviewable discretionary determination concerning a statutory prerequisite to relief does not make out a prima facie case for that relief, [8 U.S.C.] § 1252(a)(2)(B)(i) precludes our visiting the merits, just as it would if the BIA had affirmed the [immigration judge] on direct appeal.”).

Because the BIA’s determination that Cevallos-Rodriguez did not demonstrate a prima facie case of the requisite hardship is dispositive, we do not reach Cevallos-Rodriguez’ remaining contentions. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.” (citation and quotation marks omitted)).

PETITION FOR REVIEW DISMISSED.