

SEP 25 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CRISTOBAL CAMPOS-AVALOS,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-74279

Agency No. A034-010-706

MEMORANDUM*

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

Submitted September 21, 2015**

Before: REINHARDT, LEAVY, and BERZON, Circuit Judges.

Cristobal Campos-Avalos, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's denial of his applications for a waiver of inadmissibility and for relief under the Convention Against Torture ("CAT"), and

* 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).

denying his motion to remand. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law, *Vargas-Hernandez v. Gonzales*, 497 F.3d 919, 921 (9th Cir. 2007), and review for substantial evidence the agency's factual findings, *Zheng v. Ashcroft*, 332 F.3d 1186, 1193 (9th Cir. 2003). We deny in part and dismiss in part the petition for review.

We lack jurisdiction to review the agency's discretionary decision to deny a waiver under former INA § 212(c). *Vargas-Hernandez*, 497 F.3d at 923 (citing 8 U.S.C. § 1252(a)(2)(B)(ii)). Although this Court retains jurisdiction to review colorable questions of law or constitutional claims, *see* 8 U.S.C. § 1252(a)(2)(D), Campos-Avalos's contention that the agency failed to consider all the relevant factors in exercising its discretion is not supported by the record. *Mendez-Castro v. Mukasey*, 552 F.3d 975, 979-80 (9th Cir. 2009). Campos-Avalos's remaining challenges to the agency's discretionary decision are not colorable constitutional or legal challenges that invoke our jurisdiction. *See id.*

Substantial evidence supports the agency's denial of CAT relief where Campos-Avalos failed to establish it is more likely than not that he would be tortured if he returned to Mexico. *See Zhang v. Ashcroft*, 388 F.3d 713, 721-22 (9th Cir. 2004).

Campos-Avalos's contention that the BIA failed to consider evidence submitted with his motion to remand is not supported by the record.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.