

FEB 29 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGUEL ARROYO-SOLORIO,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72560

Agency No. A200-623-202

MEMORANDUM*

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

Submitted February 24, 2016**

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Miguel Arroyo-Solorio, 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 decision denying his application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo due process

* 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).

claims. *Fernandez v. Gonzales*, 439 F.3d 592, 603 (9th Cir. 2006). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's determination that Arroyo-Solorio failed to demonstrate the exceptional and extremely unusual hardship necessary for cancellation of removal. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order) (“[A]bsent a colorable legal or constitutional claim, we lack jurisdiction to review the BIA’s discretionary determination that an alien failed to prove that removal would result in exceptional and extremely unusual hardship. . . .”).

Arroyo-Solorio’s contention that the agency improperly weighed his evidence of hardship is not a colorable question of law that would invoke our jurisdiction. *See De Mercado v. Mukasey*, 566 F.3d 810, 816 (9th Cir. 2009).

Although Arroyo-Solorio contends the BIA failed to consider all of his evidence, he has not overcome the presumption that the BIA did review the record. *See Fernandez*, 439 F.3d at 603.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.