

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 2 2016

FOR THE NINTH CIRCUIT

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

GEORGINA MARTINEZ QUEZADA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-70874

Agency No. A095-773-678

MEMORANDUM*

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

Submitted July 26, 2016**

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Georgina Martinez Quezada, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying relief. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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 agency's discretionary denial of voluntary departure. *See Gil v. Holder*, 651 F.3d 1000, 1003 (9th Cir. 2011), *overruled on other grounds by Moncrieffe v. Holder*, 133 S.Ct. 1678 (2013). Martinez Quezada's contention that the agency did not consider both positive and negative factors in evaluating whether to grant voluntary departure lacks support in the record and is not sufficiently colorable to invoke our jurisdiction. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (absent a colorable legal or constitutional claim, the court lacks jurisdiction to review discretionary determinations (citation omitted)).

In light of the discretionary denial of voluntary departure, the agency did not err in declining to address Martinez Quezada's statutory eligibility for voluntary departure. *See Simeonov v. Ashcroft*, 371 F.3d 532, 538 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.