

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2017

FOR THE NINTH CIRCUIT

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

JOSE ESPINOZA-GARCIA,

Petitioner,

v.

JEFF B. SESSIONS, Attorney General,

Respondent.

No. 15-71865

Agency No. A089-111-692

MEMORANDUM*

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

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Jose Espinoza-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from immigration judge's ("IJ") final order of removal. We dismiss the petition for review.

We lack jurisdiction to review the agency's denial of cancellation of removal

* 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).

based on the discretionary determination under the catch-all provision of 8 U.S.C.

§ 1101(f) that Espinoza-Garcia lacked good moral character. *See Lopez-*

Castellanos v. Gonzales, 437 F.3d 848, 854 (9th Cir. 2006); *see also Moran v.*

Ashcroft, 395 F.3d 1089, 1091 (9th Cir. 2005) (good moral character determination

only reviewable if it is based on a per se exclusion category listed in 8 U.S.C.

§ 1101(f)(1)-(9)), *overruled on other grounds by Sanchez v. Holder*, 560 F.3d 1028

(9th Cir. 2009).

Because the good moral character determination is dispositive, we do not address Espinoza-Garcia's contentions regarding the IJ's credibility finding or his eligibility for the remaining requirements for cancellation of removal.

PETITION FOR REVIEW DISMISSED.