

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 19 2017

FOR THE NINTH CIRCUIT

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

SANDRA VAZQUEZ-DELGADO,

No. 14-72790

Petitioner,

Agency No. A099-634-082

v.

MEMORANDUM*

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

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

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Sandra Vazquez-Delgado, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's ("IJ") decision denying cancellation of removal. We dismiss 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 denial of cancellation of removal as a matter of discretion, where Vazquez-Delgado does not raise a colorable legal or constitutional claim that would invoke our jurisdiction. *See* 8 U.S.C. § 1252(a)(2)(B), (D); *Planes v. Holder*, 652 F.3d 991, 999 (9th Cir. 2011) (dismissing petition challenging discretionary denial of cancellation of removal for failure to raise a colorable legal or constitutional challenge).

Because the BIA conducted an independent review of the IJ’s findings, we do not consider Vazquez-Delgado’s challenges to the IJ’s decision. *See Romero-Ruiz v. Mukasey*, 538 F.3d 1057, 1061 (9th Cir. 2008) (“Where the BIA conducts an independent review of the IJ’s findings, we review the BIA’s decision and not that of the IJ.” (citation omitted)).

We also do not consider contentions raised by Vazquez-Delgado for the first time in her reply brief. *See Ghahremani v. Gonzales*, 498 F.3d 993, 997 n.3 (9th Cir. 2007) (petitioner cannot raise new issues for the first time in a reply brief (citation omitted)); *Rizk v. Holder*, 629 F.3d 1083, 1091 n.3 (9th Cir. 2011) (issues not raised in opening brief are waived).

Because the discretionary denial is dispositive, we do not address Vazquez-Delgado’s contentions regarding the agency’s determination that she is statutorily ineligible for cancellation of removal.

PETITION FOR REVIEW DISMISSED.