

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 9 2020

FOR THE NINTH CIRCUIT

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

ELIGIO MONTIEL-PEREZ,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-72119

Agency No. A200-280-866

MEMORANDUM*

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

Submitted June 2, 2020**

Before: LEAVY, PAEZ, and BENNETT, Circuit Judges.

Eligio Montiel-Perez, 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.

We dismiss the petition for review.

Montiel-Perez's contentions that the agency erred or violated due process

* 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).

because it did not properly weigh or consider evidence, or did not adequately explain its decision, are not supported, colorable questions of law or constitutional claims. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (“traditional abuse of discretion challenges recast as alleged due process violations do not present sufficiently colorable constitutional questions as to give this court jurisdiction”); *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) (“What is required is merely that [the agency] consider the issues raised, and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted.” (internal quotation marks and citation omitted)). Thus, we lack jurisdiction to review the agency’s discretionary determination that Montiel-Perez did not show exceptional and extremely unusual hardship to his U.S. citizen stepchild. *See* 8 U.S.C. § 1252(a)(2)(B)(i), (D); *Vilchiz-Soto*, 688 F.3d at 644.

PETITION FOR REVIEW DISMISSED.