

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2022

FOR THE NINTH CIRCUIT

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

GUILLERMO GASPAR SALGADO,

No. 21-70691

Petitioner,

Agency No. A075-674-576

v.

MEMORANDUM*

MERRICK B. GARLAND, Attorney
General,

Respondent.

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

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Guillermo Gaspar Salgado, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order sustaining the Department of Homeland Security's appeal from an immigration judge's ("IJ") decision granting his application for cancellation of removal. Our jurisdiction is governed by

* 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).

8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review the BIA’s discretionary decision to deny Gaspar Salgado’s application for cancellation of removal. *See* 8 U.S.C.

§ 1252(a)(2)(B)(i); *see also Szonyi v. Barr*, 942 F.3d 874, 896 (9th Cir. 2019)

(“This court lacks jurisdiction to review the merits of a discretionary decision to deny cancellation of removal”). The petition does not raise a colorable legal or constitutional claim over which we retain jurisdiction. *See* 8 U.S.C.

§ 1252(a)(2)(D); *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005);

see also Gutierrez v. Holder, 662 F.3d 1083, 1091 (9th Cir. 2011) (“In a deportation hearing there is no prohibition against drawing an adverse inference when a petitioner invokes his Fifth Amendment right against self-incrimination.” (citation omitted)).

PETITION FOR REVIEW DISMISSED.