

FILED

FEB 14 2023

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LOURDES GARCIA BERNAL,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 21-70632

Agency No. A095-776-087

MEMORANDUM*

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

Submitted February 10, 2023**
Pasadena, California

Before: SCHROEDER, TALLMAN, and IKUTA, Circuit Judges.

Petitioner Lourdes Garcia Bernal, a native and citizen of Mexico, timely petitions for review of the Board of Immigration Appeals’ (“BIA”) decision affirming without opinion the results of the Immigration Judge’s denial of

* 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).

Petitioner’s application for cancellation of removal. This court lacks jurisdiction to review the agency’s discretionary determination of hardship. *See* 8 U.S.C. § 1252(a)(2)(B); *Aguilar-Osorio v. Garland*, 991 F.3d 997, 999 (9th Cir. 2021) (per curiam).

Petitioner raises other challenges to the Immigration Judge’s handling of her case but failed to exhaust them before the BIA. *See Bare v. Barr*, 975 F.3d 952, 960 (9th Cir. 2020) (“Exhaustion requires a non-constitutional legal claim to the court on appeal to have first been raised in the administrative proceeds below, . . . , and to have been sufficient to put the BIA on notice of what was being challenged . . .”) (internal citations omitted).

Because we lack jurisdiction to review any of the petitioner’s claims, we need not address whether the BIA’s decision was based upon alternate holdings. *See Lanza v. Ashcroft*, 389 F.3d 917, 924-25 (9th Cir. 2004).

PETITION DISMISSED.