

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 19 2008

LIDIA MARIBEL DEL CID RIVAS,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 08-70188

Agency No. A70-642-333

MEMORANDUM*

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

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

Submitted June 9, 2008**

Before: REINHARDT, BERZON and M. SMITH, Circuit Judges.

This is a petition for review from the Board of Immigration Appeals' ("BIA") decision dismissing petitioner's appeal from the denial of cancellation of removal and denying her motion to remand.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have reviewed the motion to dismiss in part and for summary disposition in part. We conclude that petitioner has failed to raise a colorable constitutional or legal claim to invoke our jurisdiction over this petition for review with respect to the hardship determination. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926 (9th Cir. 2005); *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001).

Accordingly, respondent's unopposed motion to dismiss this petition for review for lack of jurisdiction is granted with respect to petitioner's claims regarding the denial of her application for cancellation of removal. *See* 8 U.S.C.

§ 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1144 (9th Cir. 2002).

We also conclude the BIA did not abuse its discretion denying petitioner's motion to remand. *See Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). The record shows that petitioner withdrew her application for asylum before the immigration judge, and her request for remand was not supported by evidence showing eligibility for asylum or relief under the Convention Against Torture. *See Ordonez v. INS*, 345 F.3d 777, 784 (9th Cir. 2003). Respondent's unopposed motion for summary disposition is granted with respect to the motion for remand because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th

Cir. 1982) (per curiam) (stating standard). Accordingly, this petition for review is denied in part.

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DISMISSED in part, DENIED in part.