

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 07 2008

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

RENE RODRIGUEZ ESPARZA;
ANGELES RODRIGUEZ,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-72095

Agency Nos. A75-718-369
A75-718-370

MEMORANDUM*

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

Submitted June 18, 2008**

Before: REINHARDT, W. FLETCHER, and CLIFTON, Circuit Judges.

Rene Rodriguez Esparza and Angeles Rodriguez, natives and citizens of
Mexico, petition for review of the Board of Immigration Appeals' order dismissing

* 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).

their appeal from an immigration judge's order denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo claims of constitutional violations in immigration proceedings, *Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001), and we deny in part and dismiss in part the petition for review.

Petitioners' contention that they are entitled to relief because their removal would violate the substantive due process rights of their United States citizen children is foreclosed. *See Urbano De Malaluan v. INS*, 577 F.2d 589, 594 (9th Cir. 1978) (observing that the argument that "the deportation order would amount to a de facto deportation of the child and thus violate the constitutional rights of the child . . . has been authoritatively rejected in numerous cases.") (citations omitted).

We lack jurisdiction to review the agency's discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929 (9th Cir. 2005).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.