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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE VELOZ-FLORES,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-74528

Agency No. A37-522-301

MEMORANDUM\*

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

Submitted May 20, 2008\*\*

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Jose Veloz-Flores, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order sustaining the government's appeal from an immigration judge's ("IJ") decision granting Veloz-Flores' application for

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\* 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).

relief under former § 212(c) of the Immigration and Nationality Act. We have jurisdiction under 8 U.S.C. § 1252(a)(2)(D) to review de novo questions of law. *Fernandez-Ruiz v. Gonzales*, 468 F.3d 1159, 1163 (9th Cir. 2006). We deny the petition for review.

The record does not support Veloz-Flores' contention that the BIA contravened 8 C.F.R. § 1003.1(d)(3)(i) by engaging in de novo review of the IJ's factual findings. The BIA explicitly limited its de novo review to the IJ's exercise of discretion. *See id.* § 1003.1(d)(3)(ii).

We reject Veloz-Flores' contention that the BIA was required to grant relief because it agreed with the IJ that "unusual and outstanding" favorable equities were present. *See United States v. Gonzalez-Valerio*, 342 F.3d 1051, 1056-57 (9th Cir. 2003) (for the *possibility* of a favorable exercise of discretion, unusual or outstanding equities are required for an applicant with a serious criminal history) (citing *Matter of Edwards*, 20 I. & N. Dec. 191, 196 (BIA 1990)).

**PETITION FOR REVIEW DENIED.**