

MAR 27 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MATEO ARELLANO RESENDIZ,</p> <p>Petitioner,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p>Respondent.</p>
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No. 07-70527

Agency No. A96-057-937

MEMORANDUM*

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

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Mateo Arellano Resendiz, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' denial of his motion to reopen the

* 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).

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BIA's underlying denial of his application for cancellation of removal based on petitioner's failure to establish exceptional and extremely unusual hardship to his qualifying relatives. In his motion to reopen, petitioner renewed his argument that his qualifying relatives would experience the requisite hardship, but failed to present new evidence of hardship.

The evidence that petitioner presented with his motion to reopen concerned the same basic hardship grounds as his application for cancellation of removal, and we therefore lack jurisdiction to review the BIA's discretionary determination that the evidence was insufficient to establish a prima facie case of hardship. *See Fernandez v. Gonzales*, 439 F.3d 592, 601-03 (9th Cir. 2006).

PETITION FOR REVIEW DISMISSED.