

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 26 2008

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

VICTOR GRACIANO MEDEL,

Petitioner

v.

MICHAEL B. MUKASEY, ** Attorney
General,

Respondent

No. 06-70257

Agency No. A79-523-210

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.

Victor Graciano Medel, a native and citizen of Mexico, petitions pro se for

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

** Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

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

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review of the decision of the Board of Immigration Appeals denying his motion to reopen and reconsider the underlying denial of petitioner's application for cancellation of removal based on his failure to establish exceptional and extremely unusual hardship to his United States citizen child.

The evidence petitioner presented with his motion to reopen concerned the same hardship grounds as his underlying application for cancellation of removal. We therefore lack jurisdiction to review the BIA's discretionary determination that petitioner failed to establish the requisite hardship. *See Fernandez v. Gonzales*, 439 F.3d 592, 600-03 (9th Cir. 2006).

PETITION FOR REVIEW DISMISSED.