

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

JAN 09 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

MARIA DE LOURDES GONZALEZ  
SOBERANES,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-74950

Agency No. A79-538-028

MEMORANDUM\*

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

Submitted December 3, 2007\*\*

Before: GOODWIN, WALLACE and FISHER, Circuit Judges.

Maria De Lourdes Gonzalez Soberanes, a native and citizen of Mexico,  
petitions for review of the Board of Immigration Appeals decision affirming the  
immigration judge's (IJ) denial of her application for cancellation of removal.

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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).

We lack jurisdiction to review the IJ's discretionary determination that Soberanes failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003).

Soberanes' contention that the IJ deprived her of due process by misapplying the law to the facts of her case does not state a colorable due process claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (“[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”). *See also Sanchez-Cruz v. INS*, 255 F.3d 775, 779 (9th Cir. 2001) (holding that the “misapplication of case law” may not be reviewed). Finally, we deny Soberanes' request to remand her case to the BIA for consideration of her parents' pending applications for lawful permanent residency because the proper recourse is to file a motion to reopen with the BIA. *See Iturribarria v. INS*, 321 F.3d 889, 896-97 (9th Cir. 2003); 8 C.F.R. § 1003.2 (c)(1).

**PETITION FOR REVIEW DISMISSED.**