

JAN 28 2008

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUCK MYUNG KIM,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-70914

Agency No. A74-806-795

MEMORANDUM*

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

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Suck Myung Kim, a native and citizen of Korea, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration

* 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).

judge's decision denying his application for suspension of deportation. We dismiss the petition for review.

We lack jurisdiction to consider Kim's challenge to the denial of suspension of deportation based on the discretionary determination that Kim lacks good moral character. *See* 8 U.S.C. § 1252(a)(2)(B)(I); *Kalaw v. INS*, 133 F.3d 1147, 1151 (9th Cir. 1997).

We also lack jurisdiction to review the BIA's April 13, 2004 order denying Kim's motion to reopen because he failed to timely petition this court for review of that order. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Kim does not raise 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.”).

PETITION FOR REVIEW DISMISSED.