

SEP 12 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ERASMO JACOB-MARTINEZ; MARIA DEL CARMEN ORTIZ-LOPEZ,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 04-70184

Agency Nos. A76-371-645  
A76-371-646

MEMORANDUM \*

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

Submitted September 8, 2008\*\*

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Erasmus Jacob-Martinez and Maria del Carmen Ortiz-Lopez, married natives  
and citizens of Mexico, petition for review of the Board of Immigration Appeals'

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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).

(“BIA”) decision sustaining the Department of Homeland Security’s appeal and denying Petitioners’ applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the BIA’s discretionary determination that Petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Petitioners’ contention that the BIA failed to consider their evidence of hardship is not supported by the record and does not amount to 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.**