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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA ROSALVA MORALES PENA; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 07-72311

Agency Nos. A96-344-483
A96-344-484

MEMORANDUM*

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

Submitted November 13, 2007**

Before: McKEOWN, TALLMAN and CLIFTON, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order adopting and affirming an Immigration Judge's order denying petitioners

* 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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Maria Rosalva Morales Pena and Leydi Jazmin Morales Pena's applications for cancellation of removal.

A review of the petition for review, the motion for stay of removal, and the administrative record, demonstrates that petitioner Leydi Jazmin Morales Pena has presented no evidence that she has a qualifying relative as defined in 8 U.S.C. § 1229b(b)(1)(D). *See Molina-Estrada v. INS*, 293 F.3d 1089, 1093-94 (9th Cir. 2002). The BIA therefore correctly concluded that, as a matter of law, petitioner Leydi Jazmin Morales Pena was ineligible for cancellation of removal.

Accordingly, respondent's motion for summary disposition in part is granted with regard to petitioner Leydi Jazmin Morales Pena because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam).

We have reviewed the petition for review and motion for stay of removal, and we conclude that petitioner Maria Rosalva Morales Pena has failed to raise a colorable constitutional or legal claim to invoke our jurisdiction over this petition for review. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001). Accordingly, respondent's motion to dismiss this petition for review in part for lack of jurisdiction with regard to petitioner Maria Rosalva Morales Pena is granted. *See* 8

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U.S.C. § 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1144 (9th Cir. 2002).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.