

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN RAMIREZ JUAREZ; MARTHA
LETICIA RAMIREZ MOSQUEDA,

Petitioners,

v.

MICHAEL B. MUKASEY,** Attorney
General,

Respondent.

No. 06-72525

Agency Nos. A95-448-651
A95-448-652

MEMORANDUM*

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

Submitted December 20, 2007 ***

Before: GOODWIN, WALLACE and HAWKINS, Circuit Judges.

* 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).

Juan Ramirez Juarez and Martha Leticia Ramirez Mosqueda, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order summarily affirming an Immigration Judge's ("IJ") decision denying their application for cancellation of removal. To the extent we have jurisdiction it is conferred by 8 U.S.C. § 1252. We review de novo claims of constitutional violations in immigration proceedings. *See Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review Petitioners' due process claim regarding the exclusion of evidence because it was not exhausted before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (explaining that this court lacks jurisdiction to review contentions not raised before the agency).

Petitioners' argument that the court's lack of judicial review over discretionary decisions violates their due process rights is unpersuasive.

PETITION FOR REVIEW DISMISS in part; DENIED in part.