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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PABLO RODRIGUEZ DELOYA; IRMA RODRIGUEZ, Petitioners, v. MICHAEL B. MUKASEY, Attorney General, Respondent.	No. 05-76817 Agency Nos. A096-344-306 A096-344-307 MEMORANDUM*

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

Submitted December 17, 2008**

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Pablo Rodriguez DeLoya and Irma Rodriguez, husband and wife and 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).

JTK/Research

order dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law, *Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107 (9th Cir. 2003), and we deny in part and dismiss in part the petition for review.

We do not consider petitioners' contention regarding continuous physical presence because DeLoya's ineligibility for cancellation of removal based on his conviction for a firearms offense is dispositive. *See* 8 U.S.C. § 1229b(b)(1)(C) (aliens convicted of an offense under 8 U.S.C. § 1227(a)(2)(C) are ineligible for cancellation of removal). Moreover, the record does not support petitioners' assertion that the IJ denied relief on the basis of physical presence.

To the extent petitioners challenge the agency's denial of Irma Rodriguez's application for cancellation of removal, we lack jurisdiction to review the agency's dispositive determination that her removal would not result in exceptional and extremely unusual hardship to her qualifying relatives. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.