

DEC 26 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIO ALBERTO INIESTA-
MUNDRAGON; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-74070

Agency Nos. A075-737-156
A075-737-157

MEMORANDUM*

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

Submitted December 17, 2008**

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

Mario Alberto Iniesta-Mundragon and Raquel Ramirez Asegura, husband
and wife and natives and citizens of Mexico, petition pro se for review of the

* 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).

Board of Immigration Appeals denial of their motion to reopen, which the BIA construed as a motion for reconsideration, challenging the underlying denial of their application for cancellation of removal due to petitioners' failure to establish the requisite hardship to their qualifying relatives.

The evidence that petitioners presented with their motion for reconsideration concerned the same basic hardship grounds as their application for cancellation of removal. We therefore lack jurisdiction to review the BIA's discretionary determination that the evidence was insufficient to establish a prima facie case of hardship. *See Fernandez v. Gonzales*, 439 F.3d 592, 601-03 (9th Cir. 2006).

PETITION FOR REVIEW DISMISSED.