

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 29 2008

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

MARIO ANTONIO PADILLA
CASTORENA; LETICIA TAPIA
GUTIERREZ,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-74468

Agency Nos. A096-057-872
A096-057-863

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.

Mario Antonio Padilla Castorena and Leticia Tapia Gutierrez, husband and
wife and natives and citizens of Mexico, petition pro se for review of the Board of

* 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).

Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review questions of law de novo, *Kohli v. Gonzales*, 473 F.3d 1061, 1065 (9th Cir. 2007), and we deny in part and dismiss in part the petition for review.

The agency correctly concluded that Padilla Castorena was statutorily ineligible for cancellation of removal because he was convicted of two crimes involving moral turpitude. *See* 8 U.S.C. § 1229b(b)(1)(C) (an alien is ineligible for cancellation of removal if convicted of an offense under 8 U.S.C. § 1182(a)(2)).

We lack jurisdiction over the agency's discretionary determination that Tapia Gutierrez 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).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.