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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR HUGO VASQUEZ  
MARTINEZ, MARIA TERESA  
BERNARDINO PEREZ;

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-76961

Agency Nos. A075-697-434  
A075-697-442

MEMORANDUM\*

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

Submitted February 18, 2009\*\*

Before: BEEZER, FERNANDEZ and W. FLETCHER, Circuit Judges.

Victor Hugo Vasquez Martinez and Maria Teresa Bernardino Perez, married natives and citizens of Mexico, petition pro se for review of the Board of

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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).

Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Petitioners 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).

Petitioners' contention that the agency violated due process in their case by not considering the equities and by misapplying the law to the facts is unsupported by the record and therefore does not amount to a colorable constitutional claim. *Id.*

**PETITION FOR REVIEW DISMISSED.**