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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OLIVIA MATIAS AVEJA, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 05-77305 Agency No. A095-585-512 MEMORANDUM*

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

Submitted March 18, 2009**

Before: LEAVY, HAWKINS and TASHIMA, Circuit Judges.

Olivia Matias Aveja, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen. We dismiss the petition for review.

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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).

NHY/Research

We lack jurisdiction to review the BIA's determination that the evidence Matias Aveja presented with her motion to reopen would not alter the agency's prior discretionary determination that she failed to establish the requisite hardship for cancellation of removal. *See Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) (8 U.S.C. § 1252(a)(2)(B)(i) bars this court from reviewing the BIA's discretionary denial of a motion to reopen where the evidence submitted is cumulative and concerns hardship previously considered by the agency).

PETITION FOR REVIEW DISMISSED.