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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAFAEL SANCHEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 07-72172

Agency No. A096-063-464

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.

Rafael Sanchez, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals decision dismissing his appeal of the immigration judge’s denial of his application for cancellation of removal based on his failure to

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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).

establish exceptional and extremely unusual hardship to his United States citizen children. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that petitioner failed to show exceptional and extremely unusual hardship to a qualifying relative. 8 U.S.C. § 1252(a)(2)(B); *Mendez-Castro v. Mukasey*, 552 F.3d 975, 979 (9th Cir. 2009).

We also lack jurisdiction to consider petitioner's contentions that the immigration judge ignored certain evidence and was not a neutral fact-finder, because petitioner did not exhaust these claims before the Board. *Ontiveros-Lopez v. INS*, 213 F.3d 1121, 1124 (9th Cir. 2000). Moreover, petitioner's contentions that the immigration judge failed to properly consider and weigh all evidence of hardship do not raise a colorable due process claim. *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

**PETITION FOR REVIEW DISMISSED.**