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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA JIMENEZ-CASTRO, Petitioner, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 07-74160 Agency No. A077-223-087 MEMORANDUM[*]

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

Submitted December 15, 2009[**]

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

Maria Jimenez-Castro, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying her applications for cancellation of removal and

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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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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voluntary departure as a matter of discretion. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss the petition for review.

We lack jurisdiction to review the agency's determination that Jimenez-Castro did not merit cancellation of removal or voluntary departure as a matter of discretion. *See* 8 U.S.C. § 1252(a)(2)(B); *see also Molina-Estrada v. INS*, 293 F.3d 1089, 1093 (9th Cir. 2002).

Jimenez-Castro's contention that the IJ violated her due process rights by treating her arrests for alien smuggling as criminal convictions is not supported by the record and does not amount to a colorable constitutional claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) ("[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.").

PETITION FOR REVIEW DISMISSED.