

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 10-1617

---

Valeriy Yuryevich Kostraba,	*	
	*	
Petitioner,	*	
	*	Petition for Review of
v.	*	an Order of the Board
	*	of Immigration Appeals.
Eric H. Holder, Jr., Attorney General	*	
of the United States,	*	[UNPUBLISHED]
	*	
Respondent.	*	

---

Submitted: November 12, 2010  
Filed: November 17, 2010

---

Before WOLLMAN, MELLOY, and GRUENDER, Circuit Judges.

---

PER CURIAM.

Valeriy Yuryevich Kostraba, a native and citizen of Ukraine, petitions for review of an order of the Board of Immigration Appeals (BIA), which affirmed an immigration judge's denial of his application for cancellation of removal.<sup>1</sup> We conclude that Kostraba's arguments regarding the BIA's discretionary denial of

---

<sup>1</sup>Kostraba does not challenge the denial of readjustment of status for refugees, asylum, withholding of removal, relief under the Convention Against Torture, or voluntary departure. See *Averianova v. Mukasey*, 509 F.3d 890, 892 n.1 (8th Cir. 2007) (alien waived claim by failing to present argument on appeal).

cancellation of removal are unreviewable, see Saleheen v. Holder, 618 F.3d 957, 960-62 (8th Cir. 2010) (court lacks jurisdiction to review “the ultimately discretionary denial of cancellation of removal”), and that his other arguments are unavailing, see Sanchez v. Holder, 614 F.3d 760, 763 (8th Cir. 2010) (where alien concedes removability on one ground, appeals court need not consider correctness of determination that alien is also removable on other ground); Sanchez-Velasco v. Holder, 593 F.3d 733, 737 (8th Cir. 2010) (“aliens have no right to due process in the purely discretionary remedy of cancellation of removal”); Munoz-Yeppez v. Gonzales, 465 F.3d 347, 349-50 (8th Cir. 2006) (grant of discretionary waiver of criminal grounds of excludability did not mean that crimes disappeared from alien’s record for all immigration purposes).

Accordingly, we deny the petition for review.

---