

United States Court of Appeals
For the Eighth Circuit

No. 15-2869

Victor Vargas Gomez

Petitioner

v.

Loretta E. Lynch, Attorney General of the United States

Respondent

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

Submitted: April 25, 2016

Filed: April 28, 2016

[Unpublished]

Before WOLLMAN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Mexican citizen Victor Vargas Gomez petitions for review of an order of the Board of Immigration Appeals (BIA), dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal under 8 U.S.C. § 1229b(b)(1) (permitting cancellation of removal for alien (1) physically present in the United States continuously for at least 10 years immediately preceding application,

(2) with good moral character during that period, (3) not convicted of certain offenses, and (4) whose removal would result in exceptional and extremely unusual hardship to alien's spouse, parent, or child, who is a United States citizen or lawful permanent resident). Vargas Gomez argues that the BIA erred in concluding that he did not have the requisite continuous physical presence and that he did not establish that his removal would result in an exceptional and extremely unusual hardship to his United States citizen sons. We lack jurisdiction to review the discretionary determination that Vargas Gomez had failed to establish an exceptional and extremely unusual hardship. See Solis v. Holder, 647 F.3d 831, 833 (8th Cir. 2011). Under the conjunctive language of section 1229b(b)(1), Vargas Gomez had to meet all four prerequisites for cancellation of removal; thus, the hardship determination is dispositive of the matter before us.

The petition for review is denied. See 8th Cir. R. 47B.
