

OCT 22 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FEDERICO OCAMPO RAMIREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73621

Agency No. A076-365-168

MEMORANDUM*

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

Submitted October 19, 2010**
San Francisco, California

Before: O'SCANNLAIN, TALLMAN and BEA, Circuit Judges.

Petitioner Federico Ocampo Ramirez, a native and citizen of Mexico, petitions for review of a Board of Immigration Appeals order dismissing his appeal from an immigration judge's ("IJ") denial of his application for cancellation of removal and motion for continuance. After the Board reversed the IJ's initial grant

* 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).

of cancellation relief and remanded for further proceedings, the IJ held a hearing and considered further evidence supporting Ramirez's application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Ramirez failed to show exceptional and extremely unusual hardship to his United States citizen child. 8 U.S.C. § 1252(a)(2)(B); *Mendez-Castro v. Mukasey*, 552 F.3d 975, 979 (9th Cir. 2009). Likewise, we lack jurisdiction to review the agency's denial of Ramirez's motion to reopen based on further evidence of hardship introduced at the IJ hearing on remand. *Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) (explaining that § 1252(a)(2)(B)(i) bars jurisdiction when question presented in motion to reopen is essentially the same hardship ground originally decided).

The IJ did not abuse his discretion in denying Ramirez's motion for a continuance because Ramirez did not demonstrate good cause. 8 C.F.R. § 1003.29; *see Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1247 (9th Cir. 2008) (reviewing for abuse of discretion).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.