

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 16 2017

FOR THE NINTH CIRCUIT

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

HUMBERTO JIMENEZ, AKA Humberto  
Vergara Jimenez,

Petitioner,

v.

JEFFERSON B. SESSIONS, III, Attorney  
General,

Respondent.

No. 15-70918

Agency No. A099-367-363

MEMORANDUM\*

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

Submitted March 8, 2017\*\*

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Humberto Jimenez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

from an immigration judge's ("IJ") decision denying his application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Jimenez failed to show exceptional and extremely unusual hardship to his qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). Although the court would retain jurisdiction over colorable questions of law and constitutional claims, Jimenez's contentions that the agency failed to consider relevant evidence of hardship or apply the correct legal standard are not supported by the record and do not amount to colorable claims. *See id.* ("To be colorable in this context, . . . the claim must have some possible validity." (citation and internal quotation marks omitted)).

We do not reach Jimenez's contentions concerning denial as a matter of discretion, because the BIA did not rely on that ground. *Andia v. Ashcroft*, 359 F.3d 1181, 1184 (9th Cir. 2004) ("In reviewing the decision of the BIA, we consider only the grounds relied upon by that agency.")

**PETITION FOR REVIEW DISMISSED.**