

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 3 2017

FOR THE NINTH CIRCUIT

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

ELEAZAR NOVOA-DIAZ, AKA Eleazar
Diaz Novoa, AKA Eleazor Novoa,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-71659

Agency No. A205-718-414

MEMORANDUM*

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

Submitted October 23, 2017**

Before: LEAVY, WATFORD, and FRIEDLAND, Circuit Judges.

Eleazar Novoa-Diaz, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying cancellation of removal. We dismiss the

* 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).

petition for review.

We lack jurisdiction to review the agency's denial of cancellation of removal for failure to show exceptional and extremely unusual hardship to a qualifying relative, and Novoa-Diaz does not raise a colorable legal or constitutional claim that would invoke our jurisdiction. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (absent a colorable legal or constitutional claim, the court lacks jurisdiction to review the agency's discretionary hardship determination); *Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (petitioners must overcome presumption that agency reviewed all evidence); *Najmabadi v. Holder*, 597 F.3d 983, 990-91 (9th Cir. 2010) (agency adequately considered evidence and sufficiently announced its decision).

PETITION FOR REVIEW DISMISSED.