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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

MERLY ZUCELLY GARCIA-PEREZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 15-73515

Agency No. A074-802-423

MEMORANDUM\*

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

Submitted September 27, 2016\*\*

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Merly Zucelly Garcia-Perez, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's order of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Simeonov v. Ashcroft*, 371

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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).

F.3d 532, 535 (9th Cir. 2004). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's decision to deny as a matter of discretion Garcia-Perez's request for a waiver of inadmissibility under Immigration and Nationality Act § 212(h), 8 U.S.C. § 1182(h). *See* 8 U.S.C. § 1252(a)(2)(B); *Mejia v. Gonzales*, 499 F.3d 991, 999 (9th Cir. 2007). Garcia-Perez's contention that the agency failed to consider certain positive equities is not supported by the record and does not amount to a colorable legal or constitutional claim over which we have jurisdiction. *See Mejia*, 499 F.3d at 999.

The agency properly determined that Garcia-Perez was ineligible for cancellation of removal because she had previously received suspension of deportation. *See* 8 U.S.C. § 1229b(c)(6).

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**