

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 6, 2011

Lyle W. Cayce
Clerk

No. 10-60314
Summary Calendar

AARON GARCIA-DELGADO, also known as Aaron Garcia,

Petitioner

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A088-836-757

Before DAVIS, SMITH and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Aaron Garcia-Delgado, a native and citizen of Mexico, petitions this court for review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal from the immigration judge's denial of his application for cancellation of removal. We lack jurisdiction to consider the BIA's discretionary determination that Garcia-Delgado failed to demonstrate exceptional and unusual hardship. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Sung v. Keisler*, 505 F.3d 372, 377 (5th Cir. 2007); *Rueda v. Ashcroft*, 380 F.3d 831, 831 (5th Cir. 2004). Although the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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jurisdiction-stripping provision of § 1252 does not preclude review of constitutional claims and questions of law, *see* § 1252(a)(2)(D); *Sung*, 505 F.3d at 377, Garcia-Delgado does not make any arguments in his brief raising a colorable constitutional claim or a question of law. Because we lack jurisdiction to review the final order of removal, the petition for review is dismissed. *See Rueda*, 380 F.3d at 831.

DISMISSED.