

United States Court of Appeals
For the Eighth Circuit

No. 13-1496

Jimmy Henry Menendez Castillo; Gloria M. Donis De Menendez

Petitioners

v.

Eric H. Holder, Jr., Attorney General of the United States

Respondent

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

Submitted: November 14, 2013

Filed: November 15, 2013

[Unpublished]

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Guatemalan citizens Jimmy Menendez Castillo and Gloria Donis de Menendez petition for review of an order of the Board of Immigration Appeals (BIA), which upheld an immigration judge's adverse decision. After careful consideration of the petition, we find no basis for reversal.

First, we conclude that we lack jurisdiction to review the BIA's denial of cancellation of removal. See Zacarias-Velasquez v. Mukasey, 509 F.3d 429, 434 (8th Cir. 2007) (this court lacks jurisdiction to review denial of cancellation of removal for failure to prove exceptional and extremely unusual hardship); see also Gomez-Perez v. Holder, 569 F.3d 370, 372-73 (8th Cir. 2009) (jurisdictional bar applied to petitioner's argument that BIA had applied "an incorrect legal standard," as petitioner was merely challenging BIA's discretionary conclusion that circumstances did not merit cancellation of removal). Second, we conclude that substantial evidence supported the BIA's decision to deny asylum, withholding of removal, and relief under the Convention Against Torture (CAT). See Khrystodorov v. Mukasey, 551 F.3d 775, 781, 784 (8th Cir. 2008) (this court upholds denial of asylum if it is supported by substantial evidence; denial of asylum dictates same outcome on withholding-of-removal and CAT claims based on same underlying factual allegations).

Accordingly, the petition for review is denied. See 8th Cir. R. 47B.
