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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BABKEN GRIGORYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-74115

Agency No. A099-442-423

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Babken Grigoryan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s (“IJ”) decision denying his application for asylum. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

including questions pertaining to our own jurisdiction. *Tamang v. Holder*, 598 F.3d 1083, 1088 (9th Cir. 2010); *Ruiz-Morales v. Ashcroft*, 361 F.3d 1219, 1221 (9th Cir. 2004). We dismiss the petition for review for lack of jurisdiction.

We lack jurisdiction to review Grigoryan's contention that his untimely asylum application is excused by extraordinary circumstances based on his depression and that he filed his asylum application within a reasonable period of time because it would require us to resolve disputed facts regarding the severity and duration of his illness. *See Tamang*, 598 F.3d at 1088-89 (the court's jurisdiction extends to questions involving the application of law to undisputed facts).

We also lack jurisdiction to reach Grigoryan's unexhausted contention that the IJ failed in her duty to develop the record. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

Grigoryan's contention that the BIA applied the wrong standard of review is belied by the record.

PETITION FOR REVIEW DISMISSED.