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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANCISCO BAHENA ROSAS,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-70914

Agency No. A097-764-199

MEMORANDUM*

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

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Francisco Bahena Rosas, 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 (“IJ”) removal order. We dismiss the petition for review.

* 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).

We lack jurisdiction to review the agency's discretionary determination that Bahena Rosas lacks the good moral character required for cancellation of removal. *See Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005) (good moral character determination is reviewable only where it is based on one of the statutory per se exclusions found in 8 U.S.C. § 1101(f)), *overruled on other grounds by Sanchez v. Holder*, 560 F.3d 1028, 1031-34 (9th Cir. 2009) (en banc).

We lack jurisdiction to consider Bahena Rosas' contentions that the IJ was biased and mischaracterized the evidence against him because Bahena Rosas failed to exhaust these issues before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004); *see also Sanchez-Cruz v. INS*, 255 F.3d 775, 779-80 (9th Cir. 2001).

PETITION FOR REVIEW DISMISSED.