

AUG 04 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RIGOBERTO MENDOZA-PALACIOS,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-72952

Agency No. A200-630-205

MEMORANDUM*

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

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Rigoberto Mendoza-Palacios, 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 decision denying his applications for cancellation of removal and voluntary departure. Our jurisdiction is governed by 8 U.S.C. § 1252.

* 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 review for substantial evidence determinations regarding good moral character. *Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001). We deny in part and dismiss in part the petition for review.

Substantial evidence supports the agency's determination that Mendoza-Palacios is statutorily barred from establishing the good moral character necessary to qualify for cancellation of removal, where he gave false testimony under oath in immigration court with the subjective intent to obtain an immigration benefit. *See* 8 U.S.C. §§ 1101(f)(6), 1229b(b)(1)(B); *Ramos*, 246 F.3d at 1266.

We lack jurisdiction to consider Mendoza-Palacios's unexhausted contention that he timely recanted his false testimony. *Id.* at 1266-67 ("Failure to raise an argument before the BIA deprives this court of jurisdiction.").

PETITION FOR REVIEW DENIED in part; DISMISSED in part.