

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 23 2016

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

RAUL ROQUE,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-70408

Agency No. A072-523-060

MEMORANDUM*

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

Submitted August 16, 2016**

Before: O'SCANNLAIN, LEAVY, and CLIFTON, Circuit Judges.

Raul Roque, 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 application for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo claims of due

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

process violations. *Simeonov v. Ashcroft*, 371 F.3d 532, 535 (9th Cir. 2004). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's discretionary determination that Roque failed to show the requisite hardship to a qualifying relative for cancellation of removal. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 890 (9th Cir. 2003).

We do not consider Roque's contentions regarding good moral character because his failure to establish hardship is dispositive. *See* 8 U.S.C. § 1229b(b)(1);

Simeonov, 371 F.3d at 538.

Roque's contentions that the BIA violated due process by disregarding evidence of hardship and in not providing a reasoned explanation for its hardship determination are not supported by the record. *See Larita-Martinez v. INS*, 220 F.3d 1092, 1095-96 (9th Cir. 2000) (petitioners must overcome presumption that agency reviewed all evidence); *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) (the BIA need not "write an exegesis on every contention" (citation and quotation marks omitted)).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.