

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2020

FOR THE NINTH CIRCUIT

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

OSCAR ARMANDO RAMIREZ-GARCIA,
AKA Olegario Garcia-Ramirez,

Petitioner,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-70911

Agency No. A200-974-565

MEMORANDUM*

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

Submitted May 6, 2020**

Before: BERZON, N.R. SMITH, and MILLER, Circuit Judges.

Oscar Armando Ramirez-Garcia, 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. We review de novo questions of law,

* 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).

including claims of due process violations. *Padilla-Martinez v. Holder*, 770 F.3d 825, 830 (9th Cir. 2014). We dismiss the petition for review.

We lack jurisdiction to review the agency's decision denying cancellation of removal and voluntary departure as a matter of discretion and its discretionary determination that Ramirez-Garcia did not show exceptional and extremely unusual hardship to his U.S. citizen child, where Ramirez-Garcia does not present a colorable legal or constitutional claim. *See* 8 U.S.C. § 1229c(f); 8 U.S.C. § 1252(a)(2)(B)(i), (a)(2)(D); *Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (absent a colorable legal or constitutional claim, the court lacks jurisdiction to review the agency's discretionary determination regarding hardship).

Ramirez-Garcia's contentions that the agency erred or violated due process because it did not properly weigh or consider evidence, or did not adequately explain its decision, are not colorable. *See Vilchiz-Soto*, 688 F.3d at 644 ("traditional abuse of discretion challenges recast as alleged due process violations do not present sufficiently colorable constitutional questions as to give this court jurisdiction"); *Najmabadi v. Holder*, 597 F.3d 983, 990 (9th Cir. 2010) ("What is required is merely that [the agency] consider the issues raised, and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted." (citation omitted)).

PETITION FOR REVIEW DISMISSED.