

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3127

Wilian Rene Barrientos-Ayala,	*	
	*	
Petitioner,	*	
	*	Petition for Review of
v.	*	an Order of the Board
	*	of Immigration Appeals.
Eric H. Holder, Jr., ¹ Attorney General	*	
of the United States,	*	[UNPUBLISHED]
	*	
Respondent.	*	

Submitted: December 3, 2009
Filed: December 8, 2009

Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

PER CURIAM.

Guatemalan citizen Wilian Barrientos-Ayala petitions for review of an order of the Board of Immigration Appeals (BIA), which affirmed an immigration judge's denial of cancellation of removal and relief under the Convention Against Torture (CAT). We conclude substantial evidence supports the BIA's determination that Barrientos-Ayala did not meet his burden of proof for CAT relief. See 8 C.F.R.

¹Eric H. Holder, Jr., has been appointed to serve as Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

§§ 1208.16(c), 1208.18(a) (CAT eligibility requirements); Marroquin-Ochoma v. Holder, 574 F.3d 574, 579-80 (8th Cir. 2009). As to cancellation of removal, we lack jurisdiction to review the BIA's discretionary determination--made by applying the correct legal standard--that Barrientos-Ayala failed to prove his removal would cause an exceptional and extremely unusual hardship to his qualifying relatives under 8 U.S.C. § 1229b(b)(1)(D). See Zacarias-Velasquez v. Mukasey, 509 F.3d 429, 434 (8th Cir. 2007).

Accordingly, we deny the petition for review.
