

United States Court of Appeals
For the Eighth Circuit

No. 22-2943

Jesus Eduardo Lopez-Cardona

Petitioner

v.

Merrick B. Garland, Attorney General of the United States

Respondent

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

Submitted: March 6, 2023

Filed: March 9, 2023

[Unpublished]

Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Mexican citizen Jesus Eduardo Lopez-Cardona petitions for review of an order of the Board of Immigration Appeals (BIA). Pursuant to 8 U.S.C. § 1252(a)(2), this court dismisses the petition for lack of subject matter jurisdiction.

The BIA dismissed Lopez-Cardona's appeal from the decision of an immigration judge (IJ) denying him cancellation of removal. This court lacks

jurisdiction to review the discretionary decision to deny cancellation of removal, but retains jurisdiction to review constitutional claims and questions of law. *See* 8 U.S.C. §§ 1252(a)(2)(B), (D).

Lopez-Cardona first contends this court has jurisdiction to consider the BIA's determination that his removal from the United States would not result in exceptional and extremely unusual hardship to his children because it is a mixed question of law and fact. The argument is foreclosed by this court's precedent. *See Gonzalez-Rivas v. Garland*, 53 F.4th 1129, 1132 (8th Cir. 2022). Lopez-Cardona's second argument, that the BIA applied an incorrect legal standard in reviewing the IJ's decision, is unsupported by the record and fails to raise a colorable claim. *See Saleheen v. Holder*, 618 F.3d 957, 961 (8th Cir. 2010) (on petition for review of denial of cancellation of removal, claim that is insubstantial, frivolous, or made solely for purpose of obtaining jurisdiction is not colorable claim this court may review). This court also lacks jurisdiction to review Lopez-Cardona's argument that the BIA failed to fully account for, correctly interpret, or give due weight to certain evidence. *See Nunez-Portillo v. Holder*, 763 F.3d 974, 977 (8th Cir. 2014) (court has no jurisdiction to consider attack on BIA's determination that evidence failed to satisfy hardship requirement).

The petition is dismissed. *See* 8th Cir. R. 47B.
