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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGUEL RODRIGUEZ-MARTINEZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 11-73401 Agency No. A095-767-855 MEMORANDUM[*]

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

Submitted November 13, 2012 [**]

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Miguel Rodriguez-Martinez, a native and citizen of Mexico, petitions for review of a decision of the Board of Immigration Appeals ("BIA") dismissing his appeal from the immigration judge's denial of his application for cancellation of

[*] 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).

removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part, and dismiss in part, the petition for review.

Rodriguez-Martinez contends that he has a qualifying relative for purposes of cancellation of removal because he is the "de facto" parent of his United States citizen grandchildren. As Rodriguez-Martinez acknowledges, however, this court has rejected his claim, *see Moreno-Morante v. Gonzales*, 490 F.3d 1172, 1176-78 (9th Cir. 2007), and we are not at liberty to overturn the decision of a prior panel, *see United States v. Easterday*, 564 F.3d 1004, 1010-11 (9th Cir. 2009) (a decision by a panel of this court is binding unless it is overruled by the court en banc or by the U.S. Supreme Court).

Finally, we lack jurisdiction to review the BIA's denial of petitioner's request for voluntary departure. *See* 8 U.S.C. § 1229c(f); *Kalilu v. Mukasey*, 548 F.3d 1215, 1217 n.1 (9th Cir. 2008) (per curiam).

PETITION FOR REVIEW DENIED in part; DISMISSED IN PART.