

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUN 26 2002

PATRICK FISHER
Clerk

ALBA ELENA SANTIESTEBAN-
OLIVAS and JUAN MANUEL
VALENZUELA-CASTRO,

Petitioners,

v.

IMMIGRATION &
NATURALIZATION SERVICE,

Respondent.

No. 02-9527
(BIA Nos. A76 264 232,
A76 264 233)
(Petition for Review)

ORDER AND JUDGMENT*

Before **KELLY**, Circuit Judge, **BRORBY**, Senior Circuit Judge, and **MURPHY**,
Circuit Judge.

After examining the briefs, this panel has determined unanimously that
oral argument would not materially assist the determination of this appeal.
See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered
submitted without oral argument.

* This order and judgment is not binding precedent, except under the
doctrines of law of the case, res judicata, and collateral estoppel. The court
generally disfavors the citation of orders and judgments; nevertheless, an order
and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This matter comes before the court on petitioners Alba Elena Santiesteban-Olivas and Juan Manuel Valenzuela-Castro's petition for review and request for stay pending review. Petitioners seek review of the April 3, 2002 order of the Board of Immigration Appeals (BIA) dismissing their appeal of the immigration judge's February 4, 1998 decision denying their application for suspension of deportation. The immigration judge concluded that petitioners failed to establish that their removal would cause extreme hardship to them or their children.

Having reviewed the materials presented to us, we conclude that this court does not have jurisdiction over this matter. A determination by the BIA that persons seeking suspension of a deportation order have not shown "extreme hardship" is a discretionary decision that this court may not review. 8 U.S.C. § 1252(a)(2)(B)(ii); *Escalera v. INS*, 222 F.3d 753, 755 (10th Cir. 2000).

Accordingly, the petition for review is DISMISSED, and petitioners' motion to stay is DENIED as moot. The respondent's motion to stay deadline for filing of certified administrative record is similarly DENIED as moot.

Entered for the Court
PER CURIAM