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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE DE JESUS GALLEGOS
VAZQUEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-72182

Agency No. A079-265-004

MEMORANDUM*

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

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Jose De Jesus Gallegos Vazquez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

motion to reconsider. We have jurisdiction pursuant to 8 U.S.C. § 1252.

Reviewing for abuse of discretion, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), we deny the petition for review.

The BIA acted within its discretion in denying Petitioner's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's prior order dismissing Petitioner's appeal. *See* 8 C.F.R. § 1003.2(b)(1); *see also Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc).

Contrary to Petitioner's contention, the BIA correctly construed the motion according to its underlying purpose. *See Mohammed*, 400 F.3d at 792-93.

Petitioner's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.