

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 21 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JING YANG; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-70491

Agency Nos. A075-661-584  
A075-661-585  
A075-661-586

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.

Jing Yang, her husband Jing Sheng Pan, and their minor child, natives and citizens of China, petition *pro se* for review of the Board of Immigration Appeals'

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\* 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).

(“BIA”) order denying their motion to reopen and reconsider. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen or reconsideration. *See Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny the petition for review.

The BIA did not abuse its discretion in denying Yang’s motion to reopen as untimely because it was filed two and a half years after the BIA issued its final order, *see* 8 C.F.R. § 1003.2(c)(2), and Yang failed to demonstrate eligibility for any of the regulatory exceptions to the time limit for filing motions to reopen. *See* 8 C.F.R. § 1003.2(c)(3).

Further, the BIA did not abuse its discretion in denying Yang’s motion to reconsider as untimely because it was filed well beyond the 30-day filing deadline for motions to reconsider. *See* 8 C.F.R. § 1003.2(b)(2).

**PETITION FOR REVIEW DENIED.**