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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANCISCO JIMENEZ-CABRERA; et  
al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-74415

Agency Nos. A095-448-750  
A095-448-751

MEMORANDUM\*

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

Submitted February 23, 2009\*\*

Before: KOZINSKI, Chief Judge, HAWKINS and GOULD, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")  
order denying petitioners' motion for reopening and reconsideration.

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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).

We review the BIA's ruling on a motion to reopen and a motion to reconsider for abuse of discretion. *See Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008), *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004).

We have reviewed the response to the court's October 29, 2008 order to show cause, and we dismiss this petition for review for lack of jurisdiction with respect to the denial of the motion to reopen. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Fernandez v. Gonzales*, 439 F.3d 592, 601 (9th Cir. 2006) (concluding that the court lacks jurisdiction to review the Board of Immigration Appeals' denial of motion to reopen for failure to establish a prima facie case if a prior adverse discretionary decision was made by the agency).

We deny the petition for review with respect to the BIA's denial of the motion to reconsider. An alien who is subject to a final order of removal is limited to filing one motion to reconsider removal proceedings. A motion reconsider must be filed within 30 days of the entry of the final order of removal. 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2). Because petitioners' motion to reconsider was filed beyond the deadlines, the BIA did not abuse its discretion in denying petitioners' motion as untimely. *See id.*

Finally, we note that petitioners have overstayed voluntary departure and are statutorily ineligible for discretionary relief. 8 U.S.C. § 1229c(d)(1); *Granados-Oseguera v. Mukasey*, 546 F.3d 1011 (9th Cir. 2008).

All other pending motions are denied as moot.

**DISMISSED.**