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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ENHAI HONG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC J. HOLDER, JR., Attorney General,</p> <p>Respondent.</p>
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No. 04-74530

Agency No. A075-745-197

MEMORANDUM*

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

Submitted June 16, 2009**

Before: PAEZ, TALLMAN and N.R. SMITH, Circuit Judges.

Enhai Hong, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reconsider. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion

* 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).

the denial of a motion to reconsider, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petition for review.

The BIA acted within its discretion in denying Hong's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's June 7, 2004, order. *See* 8 C.F.R. § 1003.2(b)(1).

We lack jurisdiction to review the BIA's underlying order dismissing Hong's direct appeal from the IJ's decision because this petition for review is not timely as to that order. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.