

JUL 23 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALPHONSINE NGONGO,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

Nos. 06-71996

06-73348

Agency No. A073-887-791

MEMORANDUM*

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

In these consolidated petitions, Alphonsine Ngongo, a native and citizen of the Democratic Republic of Congo, petitions for review of the Board of Immigration Appeals' ("BIA") orders denying her motions to reopen and

* 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).

reconsider. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen or reconsider, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petitions for review.

The BIA did not abuse its discretion in denying Ngongo's motion to reopen as untimely because Ngongo filed the motion nearly three years after the BIA's January 21, 2003 final order, *see* 8 C.F.R. § 1003.2(c)(2), and Ngongo does not contend that any exceptions to the time limit are available to her.

The BIA did not abuse its discretion in denying Ngongo's motion to reconsider. The motion failed to specify an error of fact or law with respect to the BIA's dispositive determination that Ngongo's motion to reopen was untimely. *See* 8 C.F.R. § 1003.2(b)(1).

PETITIONS FOR REVIEW DENIED.