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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DONG YING CHEN, aka Cheung Ming Yeung,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 06-75744

Agency No. A077-994-129

MEMORANDUM*

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

Submitted July 14, 2009**

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

Dong Ying Chen, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen and motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for

* 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).

abuse of discretion, *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), we deny the petition for review.

The BIA did not abuse its discretion in denying Chen's motion to reopen because he failed to offer any new or previously unavailable evidence. *See* 8 U.S.C. § 1229a(c)(7)(B); 8 C.F.R. §§ 1003.2(a), (c).

The BIA did not abuse its discretion in denying Chen's motion to reconsider because the motion failed to identify any error of law or fact in the BIA's prior decision. *See* 8 U.S.C. § 1229a(c)(6); 8 C.F.R. § 1003.2(b)(1).

Lastly, we reject Chen's contention that the BIA's denial of his motions violated due process. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (requiring error for due process violation).

PETITION FOR REVIEW DENIED.