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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ISMAEL BARBA ALMARAZ; INES
CORONA ESTRADA,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73763

Agency Nos. A095-309-012
A095-300-295

MEMORANDUM*

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

Submitted July 29, 2009**

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Ismael Barba Almaraz and Ines Corona Estrada, husband and wife and natives and citizens of Mexico, petition for review of the Board of Immigration Appeals (“BIA”) denial of their motion to reopen. Reviewing for abuse of

* 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).

discretion, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), we deny the petition for review.

In their motion to reopen, petitioners offered new evidence of hardship demonstrating that their United States citizen son had been diagnosed with a speech and language impediment resulting in academic difficulties. We conclude that the BIA considered the new evidence, and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (the BIA’s denial of motion to reopen shall be reversed only if it is “arbitrary, irrational, or contrary to law”).

Petitioners’ contention that the BIA erred by failing to extend their voluntary departure period is unavailing.

PETITION FOR REVIEW DENIED.