

SEP 02 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PEDRO ROMAN VAZQUEZ;
FRANCISCA ROMAN,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-71878

Agency Nos. A079-543-648

A079-543-649

MEMORANDUM*

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

Submitted August 20, 2009**

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

Pedro Roman Vazquez and Francisca Roman, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") order denying Roman Vazquez's motion to reconsider. We have jurisdiction

* 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).

pursuant to 8 U.S.C. § 1252. We review for abuse of discretion 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 Roman Vazquez's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's December 29, 2005, order. *See* 8 C.F.R. § 1003.2(b)(1).

We lack jurisdiction to review the BIA's underlying order dismissing petitioners' direct appeal from the immigration judge's decision denying their applications for cancellation of removal 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.