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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOHAMMED KAFIULLAH KHAN; et. al, Petitioners, v. ERIC H. HOLDER Jr., Attorney General, Respondent.	No. 06-74733 Agency Nos. A097-548-943 A097-548-944 A097-548-945 A097-548-946 A097-548-947 MEMORANDUM[*]

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

Submitted September 14, 2009[**]

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Mohammed Kafiullah Khan, Feroza Kahn, and their children, natives and citizens of Pakistan, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision

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[*] 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).

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denying their motion to reopen and reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denials of motions to reopen and reconsider. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency's decision not to exercise its sua sponte authority to reopen petitioners' proceedings. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

The BIA did not abuse its discretion in affirming the IJ's denial of petitioners' motion to reconsider as untimely because it was filed more than 30 days after the IJ's October 29, 2004, order. *See* 8 C.F.R. § 1003.23(b)(1).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.