

NOV 30 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SHANKARDAS PATEL-NATVARLAL, aka Natvarlal S. Patel,</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. 08-73837

Agency No. A070-122-576

MEMORANDUM \*

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

Submitted November 17, 2009\*\*

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Shankardas Patel-Natvarlal, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s (“IJ”) order denying his motion to reconsider. We have

---

\* 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).

jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider, *Oh v. Gonzales*, 406 F.3d 611, 612 (9th Cir. 2005), and review de novo due process challenges, *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). We deny the petition for review.

The agency was within its discretion in denying Patel-Natvarlal's motion to reconsider because the motion failed to identify any error of fact or law in the IJ's prior decision denying his motion to reopen. *See* 8 C.F.R. § 1003.23(b)(2); *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc).

To the extent Patel-Natvarlal contends that the delay in filing the Order to Show Cause violated due process, the contention fails for lack of prejudice because the record does not indicate that his address changed during the period of delay or that he attempted to update the government regarding an address change. *See Colmenar*, 210 F.3d at 971 (requiring prejudice to prevail on a due process challenge).

**PETITION FOR REVIEW DENIED.**