

DEC 23 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID MOISES MORAN-GUEVARA,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-71529

Agency No. A097-743-400

MEMORANDUM\*

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

Submitted December 15, 2009\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

David Moises Moran-Guevara, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") denial of his motion to

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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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

re-open. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

In his opening brief, Moran-Guevara does not raise any challenge to the BIA's March 30, 2007 order, which denied Moran-Guevara's motion for failing to comply with the regulatory requirements for motions to re-open. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived).

We lack jurisdiction to consider Moran-Guevara's challenges to the BIA's December 26, 2006 order, which dismissed his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and relief under the Convention Against Torture, because Moran-Guevara did not file a timely petition for review of that order. 8 U.S.C. § 1252(b)(1); *Membreno v. Gonzales*, 425 F.3d 1227, 1229 (9th Cir. 2005) (en banc).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**