

DEC 28 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YOLANDA SANTOS ORTIZ,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-70993

Agency No. A095-180-882

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.

Yolanda Santos Ortiz, a native and citizen of Mexico, petitions pro se for review of a Board of Immigration Appeals order denying her motion to reconsider its order affirming an immigration judge's decision denying her application for

* 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).

cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petition for review.

The Board did not abuse its discretion in denying Santos Ortiz's motion for reconsideration as untimely, when it was filed beyond the 30-day time limit for motions to reconsider. *See* 8 C.F.R. § 1003.2(b)(2). We lack jurisdiction to consider Santos Ortiz's contention that she would have filed a timely motion to reopen but for her non-attorney's ineffective assistance, because she did not exhaust this claim before the Board. *See Ontiveros-Lopez v. INS*, 123 F.3d 1121, 1124 (9th Cir. 2000).

PETITION FOR REVIEW DENIED.