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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSE LUIS REBOLLEDO RODRIGUEZ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 08-72140

Agency Nos. A095-196-303
A095-196-304

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.

Jose Luis Rebolledo Rodriguez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' denial of his fourth motion to reopen the underlying denial of his application for cancellation of removal.

* 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).

Petitioner sought to reopen based on new evidence to establish the requisite hardship to his qualifying relatives by providing evidence that his United States citizen son Angel has developed severe asthma and a speech impairment, and petitioner has a newborn United States citizen child.

The BIA did not abuse its discretion in denying petitioner's fourth motion to reopen as untimely and numerically barred, and the motion did not meet any of the regulatory exceptions. *See* 8 C.F.R. § 1003.2(c)(2) - (3). Because the motion is time and numerically barred, we deny the petition for review, and we need not address petitioner's remaining challenge.

PETITION FOR REVIEW DENIED.