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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALICIA NAVA REVELES; et al.,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-75120

Agency Nos. A096-051-774
A096-051-775

MEMORANDUM*

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

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Alicia Nava Reveles and her husband Heriberto Nava Mendez, natives and citizens of Mexico, petition for review of the decision of the Board of Immigration Appeals denying their second motion to reopen the underlying denial of their

* 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).

application for cancellation of removal. The BIA concluded that petitioners' motion was untimely and numerically barred.

Petitioners contend that the BIA erred when it denied their second motion to reopen because their United States citizen children will experience the requisite hardship if petitioners are removed, and petitioners' due process rights were violated when the BIA dismissed their first motion to reopen as untimely filed.

Petitioners do not raise any arguments concerning the BIA's denial of their second motion to reopen as untimely and numerically barred, and therefore petitioners have waived any challenge to the decision. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived). We lack jurisdiction to review the BIA's decision not to invoke its sua sponte authority to reopen proceedings. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

PETITION FOR REVIEW DENIED IN PART; DISMISSED IN PART.