

JAN 20 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAFAEL ESPINO,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-74757

Agency No. A029-225-406

MEMORANDUM\*

On Petition for Review of an Order of the  
Department of Homeland Security

Submitted January 11, 2010\*\*

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

Rafael Espino, a native and citizen of Mexico, petitions for review of the Department of Homeland Security's order reinstating his 1993 in absentia

---

\* 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).

deportation order under 8 U.S.C. § 1231(a)(5). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

Espino’s collateral attack on his 1993 deportation order is foreclosed by *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 495-96 (9th Cir. 2007) (en banc) (“the reinstatement statute specifically precludes [petitioner] from seeking to reopen the previous removal order based on defective service or any other grounds.”)

Espino’s remaining contentions lack merit.

**PETITION FOR REVIEW DENIED.**