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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FLOR DE MARIA VIRGINIA BERMUDEZ MORALES,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-74324

Agency No. A075-752-484

MEMORANDUM *

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

Submitted February 16, 2010**
San Francisco, California

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Flor De Maria Virginia Bermudez Morales, a native and citizen of Mexico,
petitions pro se for review of the decision of the Board of Immigration Appeals

* 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).

denying petitioner's fourth motion to reopen the underlying denial of her application for cancellation of removal relief. The BIA held that Bermudez Morales's motion was numerically barred.

Bermudez Morales contends that the BIA erred in finding a numerical bar to her motion because she presented new evidence that her new-born United States citizen son was a qualifying relative and she was therefore eligible for cancellation relief. "[A]n alien who is subject to a final order of removal is limited to one motion to reopen the removal proceedings" *Chen v. Mukasey*, 524 F.3d 1028, 1030 (9th Cir. 2008) (citing 8 U.S.C. § 1229a(c)(7)(A)). We conclude that the BIA did not abuse its discretion in denying Bermudez Morales's fourth motion to reopen as numerically barred, and the motion did not meet any of the regulatory exceptions. *See* 8 C.F.R. § 1003.2(c)(2) - (3).

PETITION FOR REVIEW DENIED.