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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JESUS PENALOZA-HERRERA; MARIELA MURILLO-TAPIA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-73724

Agency Nos. A078-019-985
A078-019-980

MEMORANDUM*

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

Submitted February 16, 2010**

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

Jesus Penaloza-Herrera and Mariela Murillo-Tapia, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' order denying their motion to remand and dismissing their appeal from an immigration

* 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).

judge's decision premitting their applications for cancellation of removal. We deny the petition for review.

In their opening brief, petitioners fail to address, and therefore have waived any challenge to, the agency's dispositive determination that female petitioner failed to meet the continuous physical presence requirement and both petitioners failed to meet the requisite hardship standard. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in a party's opening brief are waived); *see also* 8 U.S.C. § 1229b(b). In light of this disposition, we need not reach petitioners' remaining contention relating to their criminal conviction.

PETITION FOR REVIEW DENIED.