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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO SAMANO REYES; SUSANA
MARTINEZ MOJICA,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-75154

Agency Nos. A095-876-514

A095-876-515

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.

Sergio Samano Reyes and Susana Martinez Mojica, spouses and natives and citizens of Mexico, petition for review the Board of Immigration Appeals' order affirming an immigration judge's ("IJ") decision to pretermite their applications for

* 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).

cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Martinez-Garcia v. Ashcroft*, 366 F.3d 732, 733 (9th Cir. 2004), and we deny the petition for review.

The agency properly deemed Petitioners' applications for cancellation of removal abandoned after they failed to file them by the deadline set by the IJ. *See* 8 C.F.R. § 1003.31(c) (authorizing IJs to set filing deadlines and stating that an application not filed by the deadline "shall be deemed waived"); *see also Matter of R-R-*, 20 I. & N. Dec. 547, 549 (BIA 1992) ("The Board has long held that applications for benefits under the Act are properly denied as abandoned when the alien fails to timely file them.").

PETITION FOR REVIEW DENIED.