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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JULIO JUVENAL-VALERIO, a.k.a.
Rodrigo Gonzalez Urtado,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73674

Agency No. A070-956-320

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.

Julio Juvenal-Valerio, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Petitioner's motion to reopen because Petitioner's failure to file the motion to reopen before the expiration of his voluntary departure period rendered him statutorily ineligible for the relief he sought. *See* 8 U.S.C. § 1229c(d); *De Martinez v. Ashcroft*, 374 F.3d 759, 763 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.