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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GILBERTO VELASCO SANCHEZ; BERTHA ARREGUIN CONTRERAS,</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>
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No. 07-70193

Agency Nos. A079-572-703  
A079-572-704

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.

Gilberto Velasco Sanchez and Bertha Arreguin Contreras, husband and wife and natives and citizens of Mexico, petition for review of the Board of Immigration

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\* 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).

Appeals' ("BIA") order denying their motion to reopen based on ineffective assistance of counsel. We have jurisdiction pursuant to 8 U.S.C. § 1252.

Reviewing for abuse of discretion, *Singh v. Gonzales*, 491 F.3d 1090, 1095 (9th Cir. 2007), we deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen as untimely because the motion was filed more than 21 months after the BIA's December 2, 2004, order dismissing the underlying appeal, *see* 8 C.F.R. § 1003.2(c)(2) (motion to reopen must generally be filed within 90 days of the final administrative order), and petitioners failed to establish grounds for equitable tolling. *Singh*, 491 F.3d at 1096-97.

Petitioners' remaining contention is unavailing.

**PETITION FOR REVIEW DENIED.**