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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RENE DOMINGUEZ-CIENFUEGOS; SAMIA ELIZABETH DOMINGUEZ- RAMIREZ,</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. 07-73170

Agency Nos. A095-306-322
A095-306-323

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.

Rene Dominguez-Cienfuegos and Samia Elizabeth Dominguez-Ramirez,
husband and wife and natives and citizens of Mexico, petition pro se for review of

* 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).

the Board of Immigration Appeals' ("BIA") order denying their motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

Petitioners do not raise any arguments concerning the BIA's dispositive determination that petitioners were not prima facie eligible for relief because they failed to depart within the voluntary departure period. *See* 8 U.S.C. § 1229c(d) (failure to depart voluntarily within the time period specified results in a ten-year bar to certain forms of relief, including cancellation of removal); *De Martinez v. Ashcroft*, 374 F.3d 759, 762-64 (9th Cir. 2004). Petitioners therefore have waived any challenge to the BIA's decision. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir.1996) (issues not specifically raised and argued in a party's opening brief are waived).

To the extent petitioners challenge the BIA's February 5, 2007, order dismissing their underlying appeal, we lack jurisdiction because this petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.