

APR 13 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTONIO MUNOZ-LOPEZ, a.k.a. Jose
Luis Hernandez-Torres,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 07-73788

Agency No. A077-975-340

MEMORANDUM*

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

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Antonio Munoz-Lopez, a native and citizen of Mexico, petitions 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. Reviewing 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).

abuse of discretion, *de Martinez v. Ashcroft*, 374 F.3d 759, 761 (9th Cir. 2004), we deny the petition for review.

The BIA did not abuse its discretion in denying Munoz-Lopez's motion to reopen because he did not establish prima facie eligibility for adjustment of status. *See INS v. Abudu*, 485 U.S. 94, 104-05 (1988) (holding that BIA may deny an alien's motion to reopen if alien is not prima facie eligible for relief sought).

PETITION FOR REVIEW DENIED.