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U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| MARGARITO ROJAS,<br><br>Petitioner,<br><br>v.<br><br>ERIC H. HOLDER Jr., Attorney General,<br><br>Respondent. | Nos. 07-74576<br>08-72222<br><br>Agency No. A074-812-597<br><br>MEMORANDUM[*] |

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted April 5, 2010[**]

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

In these consolidated petitions, Margarito Rojas, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his

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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).

applications for adjustment of status, suspension of deportation, and voluntary departure, and the BIA's order denying his motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We dismiss the petition for review in No. 07-74576, and we deny the petition for review in No. 08-72222.

We lack jurisdiction to review the agency's discretionary denials of Rojas' applications for relief. *See* 8 U.S.C. §§ 1252(a)(2)(B), 1229c(f); *see also Hosseini v. Gonzales*, 471 F.3d 953, 956-57 (9th Cir. 2006) (adjustment of status); *Gomez-Lopez v. Ashcroft*, 393 F.3d 882, 884 (9th Cir. 2005) (voluntary departure); *Kalaw v. INS*, 133 F.3d 1147, 1151-52 (9th Cir. 1997) (suspension of deportation). Rojas' contentions that the agency erred and violated due process by failing to consider the positive factors in his case, penalizing him for failing to disclose certain assets and that he was apprehended in 1997, and failing to cite controlling case law, do not state colorable claims. *See Mendez-Castro v. Mukasey*, 552 F.3d 975, 979-80 (9th Cir. 2009); *Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

The BIA did not abuse its discretion in denying Rojas' motion to reconsider because the motion failed to point to an error of fact or law in the BIA's October

23, 2007, order dismissing the underlying appeal. *See* 8 C.F.R. § 1003.2(b)(1).

**No. 07-74576: PETITION FOR REVIEW DISMISSED.**

**No. 08-72222: PETITION FOR REVIEW DENIED.**