

APR 14 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LEONARDO GALARZA ESCOBAR, DIANA LORENA GALARZA ESCOBAR</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>

Nos. 07-74877
07-74879

Agency Nos. A075-688-491
A075-688-617

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, Leonardo Galarza Escobar and Diana Lorena Galarza Escobar, natives and citizens of Colombia, petition for review of the Board

* 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).

of Immigration Appeals' ("BIA") orders denying their motions to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), we deny the petitions for review.

The BIA did not abuse its discretion in denying petitioners' motions to reopen because both motions were filed more than three years after the BIA's February 26, 2004, order dismissing the underlying appeal, and failed to qualify for an exception to the 90-day filing limitation. *See* 8 C.F.R. § 1003.2(c)(2)-(3); *see also Matter of Velarde-Pacheco*, 23 I. & N. Dec. 253, 256 (BIA 2002) (motion to reopen based on pending I-130 visa petition may be granted if, *inter alia*, the motion is timely filed); *Dela Cruz v. Mukasey*, 532 F.3d 946, 949 (9th Cir. 2008) (per curiam) (pending petition for review does not toll the time limit for filing motion to reopen with the BIA).

Contrary to petitioners' contention, *Socop-Gonzalez v. INS*, 208 F.3d 838 (9th Cir. 2000), does not change the result in this case.

Petitioners' remaining contentions are unpersuasive.

PETITIONS FOR REVIEW DENIED.