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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NOT FOR PUBLICATION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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| <p>NORMA ISABEL GARCIA; JORGE LARA BOLANOS,</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. 07-74254

Agency Nos. A079-580-234  
A079-580-235

MEMORANDUM\*

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

Submitted May 25, 2010\*\*

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Norma Isabel Garcia and Jorge Lara Bolanos, wife and husband and natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to

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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).

reopen. *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review petitioners' contention that the BIA failed to consider their motion under its sua sponte reopening authority because petitioners failed to raise and argue that issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (explaining that this court lacks jurisdiction to review contentions not raised before the agency).

The BIA did not abuse its discretion in denying petitioners' second motion to reopen as time and number barred where the motion was filed over two years after the BIA's December 2, 2004, final administrative order, *see* 8 C.F.R. § 1003.2(c)(2), and the record failed to show there were changed circumstances in Mexico warranting reopening under 8 C.F.R. § 1003.2(c)(3)(ii).

**PETITION FOR REVIEW DISMISSED in part; DENIED in part.**