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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NOT FOR PUBLICATION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>BEANT KAUR; HARNEK SINGH,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 07-74735

Agency Nos. A096-160-964
A096-160-965

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.

Beant Kaur and Harnek Singh, wife and husband, and natives and citizens of India, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reissue the BIA’s March 23, 2007, order. We have

* 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).

jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008), we deny the petition for review.

Although respondent concedes that petitioners' motion was timely filed, the BIA did not abuse its discretion in denying petitioners' motion on the merits on the ground that the evidence was insufficient to warrant reissuing its previous order. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational, or contrary to law."); *see also Coyt v. Holder*, 593 F.3d 902, 904 n. 1 (9th Cir. 2010) ("A motion to reissue is treated as a motion to reopen."). Because the BIA acted within its discretion, we need not address petitioners' remaining contentions.

PETITION FOR REVIEW DENIED.