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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JENARO MORALES FLORES,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 08-70397

Agency No. A073-967-288

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.

Jenaro Morales Flores, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to rescind and reissue. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing

* 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).

for abuse of discretion, *de Jesus Melendez v. Gonzales*, 503 F.3d 1019, 1023 (9th Cir. 2007), we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion by concluding that Morales Flores' motion was an untimely motion seeking reconsideration of the BIA's April 21, 2004, decision, *see* 8 C.F.R. § 1003.2(b)(2) (motion to reconsider a decision must be filed with the BIA within 30 days after the mailing of the decision), or by concluding that Morales Flores failed to provide the BIA with a reason for reissuing any of its previous decisions, *see* 8 C.F.R. § 1003.2(a).

To the extent Morales Flores challenges the BIA's April 21, 2004, decision, or the immigration judge's decision denying his motion to reopen proceedings conducted in absentia, we lack jurisdiction because this petition is not timely as to those orders. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Morales Flores' due process claims are unavailing.

The temporary stay of removal continues in effect until issuance of the mandate or further order of the court.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.