

JUL 01 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SERGIO LOPEZ SORIA and MARIA ERENDIRA CRUZ AVILA,</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>

No. 09-71230

Agency Nos. A097-351-504
A097-351-505

MEMORANDUM*

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

Submitted June 29, 2010**
San Francisco, California

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Sergio Lopez Soria and his wife, Maria Erendira Cruz Avila, natives and citizens of Mexico, petition pro se for review of the decision of the Board of Immigration Appeals denying their motion to reopen the underlying denial of their

* 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).

application for cancellation of removal based on changed country conditions, and their renewed claims for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”).

Petitioners’ renewed claim for asylum, withholding of removal, and protection under CAT, based on changed country conditions, failed to present evidence of changed country conditions in Mexico that are material to petitioners and their circumstances. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Nuru v. Gonzales*, 404 F.3d 1207, 1216 (9th Cir. 2005). In addition, petitioners’ claim - that they are entitled to asylum and withholding of relief because they are Mexican aliens who would be targeted upon returning to Mexico from the United States - is not persuasive because petitioners have not alleged a cognizable social group and, thus, have not stated a claim for asylum or withholding of relief. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151-52 (9th Cir. 2010). Accordingly, the BIA did not abuse its discretion in denying petitioners’ motion to reopen.

PETITION FOR REVIEW DENIED.