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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CRUZ NOLBERTO SUMETA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71995

Agency No. A070-212-971

MEMORANDUM*

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

Submitted June 29, 2010**

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

Cruz Nolberto Sumeta, native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider, *Cano-Merida v. INS*, 311 F.3d

* 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).

960, 964 (9th Cir. 2002), and we dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA's January 23, 2008, order because Sumeta failed to timely petition this court for review of that order. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

The BIA was within its discretion in denying Sumeta's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's January 23, 2008, order. *See* 8 C.F.R. § 1003.2(b)(1); *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.