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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MIRNA CATALINA BAUTISTA PALACIOS,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-73545

Agency No. A095-598-739

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.

Mirna Catalina Bautista Palacios, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen to apply for adjustment of status. We have jurisdiction under 8

* 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).

U.S.C. § 1252. Reviewing for abuse of discretion, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), we deny the petition for review.

The BIA did not abuse its discretion in denying Bautista Palacios' motion to reopen because an immigrant visa was not immediately available to her. *See* 8 U.S.C. § 1255(a) (stating that “an immigrant visa [must be] immediately available to the alien at the time the application [for adjustment of status] is filed”).

PETITION FOR REVIEW DENIED.