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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUBEN URIBE, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-71871 Agency No. A072-521-196 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.

Ruben Uribe, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's ("IJ") decisions denying his motion to reopen removal proceedings conducted in absentia and denying his motion to reconsider. We have jurisdiction

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* 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).

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.

The agency did not abuse its discretion in denying Uribe's motion to reopen because he was properly served with a notice to appear, advising him of the consequence of failing to appear at a removal hearing, and a notice of hearing, advising him of the time and location of his hearing, but instead relied on the advice of his non-attorney immigration consultant and missed his scheduled hearing. *See Singh-Bhathal v. INS*, 170 F.3d 943, 946-47 (9th Cir. 1999) (reliance on advice of non-attorney immigration consultant insufficient to demonstrate "exceptional circumstances" necessary to reopen in absentia proceedings).

The agency did not abuse its discretion in denying Uribe's motion to reconsider because the motion failed to identify any error of fact or law in the IJ's September 11, 2007, decision. *See* 8 C.F.R. § 1003.2(b)(1).

PETITION FOR REVIEW DENIED.