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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SOTERO ALVARADO; VIANEY ALVARADO,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 08-70963

Agency Nos. A079-534-315  
A079-534-316

MEMORANDUM\*

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

Submitted July 19, 2010\*\*

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Sotero Alvarado and Vianey Alvarado, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying their second motion to reopen. Our jurisdiction is governed by 8 U.S.C. §

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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).

1252. We review for abuse of discretion, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion by denying petitioners' second motion to reopen because it was untimely and numerically barred, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners failed to establish changed country conditions in Mexico that are material to petitioners and their circumstances. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996-67 (9th Cir. 2008) (requiring movant to produce previously unavailable evidence of changed country conditions that are material and establish prima facie eligibility for relief); *see also Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151-52 (rejecting as particular social group "returning Mexicans from the United States").

To the extent petitioners challenge the BIA's March 8, 2005, order denying petitioners cancellation of removal, we lack jurisdiction because the petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003). We decline to reconsider petitioners' challenge to the BIA's denial of their first motion to reopen and reconsider because this court already decided the issue in *Alvarado v. Gonzales*, No. 05-73685 (9th Cir. Feb. 26, 2007). *See Merritt v. Mackey*, 932 F.2d 1317, 1320 (9th Cir. 1991) (explaining that under the "law of the case doctrine," one panel of an appellate court will not

reconsider questions which another panel has decided on a prior appeal in the same case).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**