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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOEL REYES RAZO; ANA LUISA
REYES,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70633

Agency Nos. A095-301-539
A095-301-540

MEMORANDUM*

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

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Joel Reyes Razo and Ana Luisa Reyes, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reissue. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for abuse of discretion the denial of a motion to reopen, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny the petition for review.

The BIA did not abuse its discretion in denying the Reyes' motion to reissue because the record supports the BIA's finding that the BIA fulfilled its statutory duty of service by mailing notice of its April 6, 2007, decision to the Reyes' address of record, *see Singh v. Gonzales*, 494 F.3d 1170, 1172 (9th Cir. 2007) (BIA fulfills statutory duty of service by properly mailing decision to alien), and the BIA did not act arbitrarily, irrationally, or contrary to law by concluding that Reyes Razo's declaration in support of the motion alleging nonservice was not sufficient to rebut the presumption of effective service, *cf. id.* (remanding to BIA to determine weight of sworn affidavits of nonreceipt by alien and counsel); *Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (reversing denial of motion to reopen if it is arbitrary, irrational, or contrary to law).

PETITION FOR REVIEW DENIED.