

AUG 31 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JORGE ISRAEL SILVA SALAZAR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-71113

Agency No. A095-316-053

MEMORANDUM*

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

Submitted August 10, 2010**

Before: LEAVY, HAWKINS, and IKUTA, Circuit Judges.

Jorge Israel Silva Salazar, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of

* 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).

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 Silva Salazar's second motion to reopen as untimely and numerically barred because the successive motion was filed nearly one year after the BIA's September 19, 2006, order dismissing his underlying appeal, and Silva Salazar failed to demonstrate that he qualified for an exception to the time or number limits. *See* 8 C.F.R. § 1003.2(c)(2)-(3); *Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.