FILED

SEP 27 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALVARO CHAVEZ-ACEVEDO, Petitioner, v. ERIC H. HOLDER, Attorney General, Respondent.	No. 08-71351 Agency No. A073-922-981 MEMORANDUM*

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

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Alvaro Chavez-Acevedo, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

---

* 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).

denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Chavez-Acevedo's second motion to reopen as untimely because it was filed more than 90 days after the BIA's final order of removal and Chavez-Acevedo failed to demonstrate that he qualified for any exceptions to the 90-day time limit. *See* 8 U.S.C. § 1229a(c)(7)(C)(i) (motion to reopen must be filed within ninety days of final administrative order of removal); 8 C.F.R. § 1003.2(c)(3) (listing exceptions to the time limitation).

Chavez-Acevedo's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.