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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EMILIA LOPEZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 09-72553 Agency No. A076-349-034 MEMORANDUM*

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

Submitted October 19, 2010**

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Emilia Lopez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen based on ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252.

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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).

We review for abuse of discretion a 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 Lopez's motion to reopen as untimely because she filed the motion to reopen nearly seven years after the BIA's March 26, 2002, order, *see* 8 C.F.R. § 1003.2(c)(2), and Lopez failed to establish that she acted with the due diligence required for equitable tolling, *see Socop-Gonzalez v. INS*, 272 F.3d 1176, 1193 (9th Cir. 2001) (en banc) (equitable tolling available where, despite due diligence, petitioner is unable to obtain vital information bearing on the existence of a claim because of circumstances beyond petitioner's control).

PETITION FOR REVIEW DENIED.