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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA LISBETH NAVARRO-VARGAS,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 08-73138

Agency No. A096-051-962

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, LEAVY, and TALLMAN, Circuit Judges.

Maria Lisbeth Navarro-Vargas, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for

* 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).

abuse of discretion the denial of a motion to reopen, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005), and we deny the petition for review.

The BIA did not abuse its discretion in denying Navarro-Vargas' motion to reopen as time- and number-barred where the successive motion was filed nearly four years after the BIA's July 27, 2004, order dismissing her underlying appeal, and Navarro-Vargas failed to demonstrate that she qualified for an exception to the time and number limits, or for equitable tolling. *See* 8 C.F.R. § 1003.2(c)(2)-(3); *Iturribarria v. INS*, 321 F.3d 889, 897-98 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.