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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

EPIFANIO RODRIGUEZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-73092 Agency No. A096-351-984 MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Epifanio Rodriguez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597

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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).

F.3d 983, 986 (9th Cir. 2010). We deny in part and dismiss in part in the petition for review.

The BIA did not abuse its discretion in denying Rodriguez's second motion to reopen as time- and number-barred, because the successive motion was filed more than one year after the BIA's final order, 8 C.F.R. § 1003.2(c)(2), and Rodriguez failed to establish material changed country conditions in Mexico, *see id*. § 1003.2(c)(3)(ii); *Toufighi v. Mukasey*, 538 F.3d 988, 996-97 (9th Cir. 2008).

We lack jurisdiction to review Rodriguez's contentions regarding the BIA's July 31, 2007, order because this petition is not timely to that order. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.