

JAN 06 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NORMA ROA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73027

Agency No. A023-098-518

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Norma Roa, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen.

We have jurisdiction under 8 U.S.C. § 1252. Reviewing 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, *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005), we deny the petition for review.

The BIA did not abuse its discretion in denying Roa's second motion to reopen as time- and number-barred where the successive motion was filed more than two years after the BIA's August 8, 2005, order dismissing her underlying appeal, and Roa failed to demonstrate that she qualified for any exception to the time and number limits. *See* 8 C.F.R. § 1003.2(c)(2)-(3).

To the extent we have jurisdiction to review the BIA's decision not to invoke its sua sponte authority, the BIA acted within its broad discretion in declining to reopen proceedings under 8 C.F.R. § 1003.2(a).

Roa's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.