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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIO ALONSO DELGADO SALAS and CLAUDIA IVONNE MONTES ESPINOZA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 08-74045

Agency Nos. A079-529-790
A079-529-791

MEMORANDUM*

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

Submitted January 10, 2011**
San Francisco, California

Before: BEEZER, TALLMAN and CALLAHAN, Circuit Judges.

Mario Alonso Delgado Salas and Claudia Ivonne Montes Espinoza, natives
and citizens of Mexico, petition for review of the Board of Immigration Appeals’
denial of their motion to reopen the underlying denial of their application 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).

cancellation of removal based on their failure to establish the requisite hardship to their United States citizen child.

Petitioners introduced new evidence of hardship consisting of evidence that Claudia Espinoza has recently been diagnosed with “antepartum depression,” and that she was approximately eighteen weeks pregnant at the time of filing the motion. We conclude that the BIA properly considered the new evidence offered by petitioners, and acted within its broad discretion in determining that the evidence did not establish extreme hardship to a qualifying relative for purposes of cancellation of removal, and therefore was insufficient to warrant reopening. *See Sing v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (the BIA’s denial of a motion to reopen shall be reversed on if it is “arbitrary, irrational, or contrary to law”).

PETITION FOR REVIEW DENIED.