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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAMUEL GALLEGOS HERNANDEZ;  
MARIA HILDA GALLEGOS,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Nos. 08-74363  
09-70217

Agency Nos. A096-055-007  
A096-055-008

MEMORANDUM\*

On Petitions for Review of Orders of the  
Board of Immigration Appeals

Submitted February 15, 2011\*\*

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

In these consolidated petitions for review, Samuel Gallegos Hernandez and Maria Hilda Gallegos, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' ("BIA") orders denying their motions to reopen and reconsider. We review for abuse of discretion the denial of a motion to reopen

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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).

or reconsider. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petitions for review.

The BIA did not abuse its discretion in denying Gallegos and Gallegos Hernandez's motion to reopen as time-and number-barred, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners failed to demonstrate the due diligence required for equitable tolling, *see Iturribarria v. INS*, 321 F.3d 889, 897 (9th Cir. 2003).

The BIA did not abuse its discretion in denying Gallegos and Gallegos Hernandez's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's prior decision denying reopening. *See* 8 C.F.R. § 1003.2(b)(1); *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc).

**PETITIONS FOR REVIEW DENIED.**