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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROSA ELIA LOPEZ GOMEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-74417

Agency No. A095-310-308

MEMORANDUM*

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

Submitted February 15, 2011**

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

Rosa Elia Lopez Gomez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA) order denying her motion to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA acted within its discretion in denying as untimely Lopez Gomez's motion to reopen because it was filed more than 90 days after the BIA's final removal order, *see* 8 U.S.C. § 1229a(c)(7)(C)(i), and she has not demonstrated that she qualifies for any exception to the 90-day time limit, *see* 8 C.F.R. § 1003.2(c)(2).

Lopez Gomez's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.