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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CARLOS FERNANDO DELGADO-CARDOSO; MARIA ANTONIA ZETINA-OJEDA,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-74727

Agency Nos. A075-691-969  
A095-305-224

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.

Carlos Fernando Delgado-Cardoso and Maria Antonia Zetina-Ojeda, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to remand. Our jurisdiction is governed by 8

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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).

U.S.C. § 1252. We review for abuse of discretion the denial of a motion to remand, *Garcia-Quintero v. Gonzales*, 455 F.3d 1006, 1011 (9th Cir. 2006), and we deny in part and dismiss in part the petition for review.

To the extent we have jurisdiction to review the BIA's denial of petitioners' motion to remand, *see Fernandez v. Gonzales*, 439 F.3d 592, 601 (9th Cir. 2006), we conclude that the BIA did not abuse its discretion in determining that the evidence was insufficient to warrant remand, *see Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002) (BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational, or contrary to law").

Petitioners' contentions that the BIA applied an incorrect legal standard and failed to consider all of the evidence presented are not supported by the record.

To the extent petitioners challenge the BIA's May 31, 2007, order we lack jurisdiction because the petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1).

Counsel's April 19, 2010, motion to withdraw as counsel is granted. The docket shall be amended to reflect that petitioners are proceeding pro se.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**