

MAR 10 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

LAURA REYES-ORTIZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71652

Agency No. A073-993-010

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.

Laura Reyes-Ortiz, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her motion to reopen deportation

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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).

proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252.

We review for abuse of discretion the denial of a motion to reopen. *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), *amended by* 404 F.3d 1105 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Reyes-Ortiz's motion to reopen based on lack of notice where the record establishes that she was personally served with an Order to Show Cause ("OSC") and Notice of Hearing, written in both English and Spanish. There was no statutory requirement that the OSC be orally translated. *See* 8 U.S.C. § 1252b(a)(2), (3) (1995); *see also Matter of Hernandez*, 21 I. & N. Dec. 224, 226-27 (BIA 1996).

Reyes-Ortiz's remaining contentions are unavailing.

**PETITION FOR REVIEW DENIED.**