

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 15 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARINE AVETISIAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-72462

Agency No. A079-369-862

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.

Marine Avetisian, a citizen of both Romania and Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing for abuse of

* 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).

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

The BIA did not abuse its discretion in denying Avetisian's motion to reopen as time- and number-barred because the successive motion was filed more than three years after the BIA's December 24, 2003, order dismissing the underlying appeal. *See* 8 C.F.R. § 1003.2(c)(2) (only one motion to reopen permitted and the motion generally must be filed within 90 days of the final order).

To the extent we have jurisdiction to review the BIA's decision not to invoke its sua sponte authority, the BIA acted within its broad discretion in declining to reopen proceedings under 8 C.F.R. § 1003.2(a).

PETITION FOR REVIEW DENIED.