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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JUAN CARLOS ARREOLA and ANA MYRIAM ARREOLA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-73940

Agency Nos. A098-463-010
A078-538-364

MEMORANDUM*

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

Submitted March 9, 2010 **

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Juan Carlos Arreola and his wife Ana Maria Myrian Arreola, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' denial of their third motion to reopen removal proceedings to apply for asylum and

* 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).

related relief. The BIA found that petitioners' motion was untimely, and numerically barred, but noted that the limits did not apply to asylum applications based on changed country conditions.

Petitioners' sole contention on appeal is that the BIA erred in denying their third motion to reopen because petitioners presented evidence of a well-founded fear of future persecution based on their membership in a social group comprised of "family members of a Mexican police officer who had been attacked and whose identity was known to his narco-criminal attackers." Petitioners failed to establish that they qualify as a cognizable social group, and therefore did not demonstrate prima facie eligibility for the asylum, and related relief requested by petitioners. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1151-52 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.