

APR 26 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA LEONOR PAREDES-ORTEGA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-72923

Agency No. A074-298-293

MEMORANDUM*

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

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Maria Leonor Paredes-Ortega, a native and citizen of El Salvador, 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 proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252.

* 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).

We 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 agency did not abuse its discretion in denying Paredes-Ortega's motion to reopen. Contrary to Paredes-Ortega's contention, she received proper notice of her deportation hearing. *See* 8 U.S.C. § 1252b(a)(2) (repealed 1996); *see also Garcia v. INS*, 222 F.3d 1208, 1209 (9th Cir. 2000) (per curiam) (notice to counsel sufficient). The motion was therefore untimely because Paredes-Ortega filed it more than 12 years after the May 16, 1996, deportation order, *see* 8 U.S.C. § 1252b(c)(3) (repealed 1996), and Paredes-Ortega failed to demonstrate that she acted with the due diligence required for equitable tolling, *see Iturribarria*, 321 F.3d at 897 (equitable tolling available "when a petitioner is prevented from filing because of deception, fraud, or error, as long as the petitioner acts with due diligence").

PETITION FOR REVIEW DENIED.