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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EPIGMENIO MONTES-LOPEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 08-73470

Agency No. A098-456-274

MEMORANDUM*

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

Submitted May 24, 2011**

Before: PREGERSON, THOMAS, and PAEZ, Circuit Judges.

Epigmenio Montes-Lopez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law.

* 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).

Granados-Oseguera v. Mukasey, 546 F.3d 1011, 1014 (9th Cir. 2008) (per curiam). We deny the petition for review.

The BIA did not abuse its discretion in denying Montes-Lopez's motion to reopen where Montes-Lopez failed to depart the United States by his voluntary departure deadline, and was therefore statutorily ineligible for the relief requested. *See* 8 U.S.C. § 1229c(d)(1); *Granados-Oseguera*, 546 F.3d at 1016 (statutory bar on relief resulting from failure to voluntarily depart is not subject to an exception in cases involving ineffective assistance of counsel).

In light of our disposition, we need not address Montes-Lopez's remaining contentions.

PETITION FOR REVIEW DENIED.