

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 21 2011

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

NICOLAS CASTANEDA RODRIGUEZ;
et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-70502

Agency Nos. A096-353-245

A096-353-246

A096-353-247

A096-353-248

MEMORANDUM*

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

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Nicolas Castaneda Rodriguez, Agustina Alvarado Avila, Martin Castaneda Alvarado, and Maria del Rosario Castaneda Alvarado, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen and reissue. We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review for abuse of discretion the denial of a motion to reopen, *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1187 (9th Cir. 2001) (en banc), and we deny the petition for review.

The BIA did not abuse its discretion by denying petitioners' motion to reopen and reissue on the ground that it was untimely, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners did not demonstrate the due diligence required to obtain equitable tolling of the filing deadline, *see Socop-Gonzalez*, 272 F.3d at 1193 (tolling applies where “despite all due diligence, the party invoking equitable tolling is unable to obtain vital information bearing on the existence of the claim” as a result of circumstances beyond his control) (alterations and citation omitted).

In light of our disposition, we need not address petitioners' remaining contentions.

PETITION FOR REVIEW DENIED.