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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MAYRA ELIUTH GODOY-FLORES,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-71315

Agency No. A070-637-801

MEMORANDUM\*

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

Submitted June 15, 2011\*\*

Before: CANBY, O’SANNLAIN, and FISHER, Circuit Judges.

Mayra Eliuth Godoy-Flores, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ order summarily affirming an immigration judge’s decision denying her motion to reopen deportation proceedings held in absentia. Our jurisdiction is governed by 8 U.S.C. § 1252.

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\* 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). We dismiss in part and deny in part the petition for review.

Godoy-Flores contends that she failed to receive notice of the hearing at which she was ordered deported. Because this claim was never presented to the agency, we lack jurisdiction to consider it. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

The agency did not abuse its discretion in denying as untimely Godoy-Flores' motion to reopen because it was filed more than 15 years after the final removal order, *see* 8 C.F.R. § 1003.23(b)(1), and Godoy-Flores did not show that she acted with the due diligence required for equitable tolling of the filing deadline, *see Iturribarria*, 321 F.3d at 897.

**PETITION FOR REVIEW DISMISSED, in part; DENIED, in part.**