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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALMA DELIA CASTELLANOS-LEON,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71417

Agency No. A075-648-886

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.

Alma Delia Castellanos-Leon, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen. We review for abuse of discretion the denial of a motion to reopen, *Singh*

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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).

*v. Gonzales*, 491 F.3d 1090, 1095 (9th Cir. 2007), and we grant the petition for review.

The BIA abused its discretion in declining to equitably toll the filing deadline for Castellanos-Leon's untimely motion to reopen between "late-2007" and January 25, 2008, where sworn statements submitted in support of the motion indicate that Castellanos-Leon did not definitively learn of her prior counsels' deficiencies until January 25, 2008. *See id.* at 1096.

**PETITION FOR REVIEW GRANTED; REMANDED.**