

JUL 22 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARCO STEFAN UNEPUTTY; DEBBY  
ENGELINE,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-74057

Agency Nos. A096-356-258

A096-356-259

MEMORANDUM\*

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

Submitted July 12, 2011\*\*

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Marco Stefan Uneputty and Debby Engeline, natives and citizens of  
Indonesia, petition for review of the Board of Immigration Appeals’ (“BIA”) order  
denying their motion to reconsider. Our jurisdiction is governed by 8 U.S.C.

§ 1252. We review for abuse of discretion the denial of a motion to reconsider,

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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).

*Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion by denying petitioners' motion to reconsider where the motion was untimely and petitioners failed to identify any error of fact or law in the BIA's previous decision affirming an immigration judge's removal order. *See* 8 C.F.R. § 1003.2(b)(1), (2).

We lack jurisdiction to review the BIA's decision not to grant petitioners' motion to reconsider sua sponte. *See Mejia-Hernandez v. Holder*, 633 F.3d 818, 823-24 (9th Cir. 2011).

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

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