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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HISKIA BILLY and ALVIN LENDE BILLY,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-70245

Agency Nos. A078-020-248
A078-020-308

MEMORANDUM*

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

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N.R. SMITH, Circuit Judges.

Hiskia and Alvin Lende Billy, natives and citizens of Indonesia, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse

* 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).

of discretion the denial of a motion to reconsider, *Morales Apolinar v. Mukasey*, 514 F.3d 893, 895 (9th Cir. 2008), and we deny the petition for review.

The BIA did not abuse its discretion by denying petitioners' July 6, 2009, motion to reconsider as untimely because it was filed over three years after the BIA's February 15, 2006, final order. *See* 8 C.F.R. § 1003.2(b)(2).

In light of our disposition, we need not consider petitioners' contention that the BIA's original analysis regarding whether they were members of a disfavored group was erroneous under *Wakkary v. Holder*, 558 F.3d 1049 (9th Cir. 2009), and *Tampubolon v. Holder*, 610 F.3d 1056 (9th Cir. 2010).

PETITION FOR REVIEW DENIED.