

AUG 18 2011

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUAN TELLEZ-LOPEZ,

Petitioner,

v.

ERIC H. HOLDER, Jr.,* Attorney General,

Respondent.

No. 04-71191

Agency No. A076-346-523

MEMORANDUM**

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

Argued and Submitted June 7, 2006
Pasadena, California

Before: REINHARDT, TROTT, and WARDLAW, Circuit Judges.

Juan Tellez-Lopez, a native and citizen of Mexico, seeks review of the February 18, 2004 order of the Board of Immigration Appeals (“BIA”) denying as untimely his motion to reopen. We deny his petition for review.

* Eric Holder is substituted for his predecessor, Alberto Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

** This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Tellez-Lopez filed the motion to reopen over four months after the BIA's final order of removal and well beyond the ninety-day deadline for filing such motions. *See* 8 U.S.C. § 1229a(c)(7)(C)(i). The petition did not provide any reason for the late filing, let alone any "circumstances beyond [Tellez-Lopez's] control," to justify equitable tolling. *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1193 (9th Cir. 2001) (en banc). Accordingly, the BIA did not abuse its discretion in denying the motion as untimely.

The petition is **DENIED**.