

MAR 14 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>AFAK HAMIS HMIDAN; et. al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
---

No. 06-73586

Agency Nos. A095-877-320  
A095-877-321  
A095-877-322

MEMORANDUM\*

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

Submitted March 6, 2012\*\*

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Afak Hamis Hmidan and her children petition pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying their motion to reopen removal proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review de

---

\* 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).

novo questions of law. *Lin v. Gonzales*, 473 F.3d 979, 981 (9th Cir. 2007). We deny the petition for review.

The BIA correctly determined that 8 C.F.R. § 1003.23(b) barred petitioners' motion to reopen where petitioners departed the United States while they were still the subjects of removal proceedings. *See id.* at 982.

**PETITION FOR REVIEW DENIED.**