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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PAULINO ALZATE NAVA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 09-73967

Agency No. A075-598-528

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.

Paulino Alzate Nava, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen.

We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir.

* 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).

2003), and we deny the petition for review.

The BIA did not abuse its discretion by denying Alzate Nava's motion to reopen where he filed the motion seven years after the BIA issued its final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and failed to demonstrate the due diligence required to obtain equitable tolling of the filing deadline, *see Iturribarria*, 321 F.3d at 897.

In light of our disposition, we do not address Alzate Nava's remaining contention.

PETITION FOR REVIEW DENIED.