

MAY 23 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LORENZO FLORES-CERVANTES and
LAURA MIRANDA-ADAME,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-72989

Agency Nos. A075-526-665
A075-526-666

MEMORANDUM*

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

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Lorenzo Flores-Cervantes and Laura Miranda-Adame, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's order denying their motion to

* 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).

reopen due to ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the agency's denial of a motion to reopen. *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

The agency did not abuse its discretion in denying petitioners' third motion to reopen as time- and number-barred, *see* 8 U.S.C § 1229a(b)(5)(C), (c)(7)(A), where petitioners failed to explain before the agency how they were prevented from raising their ineffective assistance claims in their first motion to reopen, *see Iturribarria*, 321 F.3d at 897 (equitable tolling of deadlines and numerical limits is recognized "when a petitioner is prevented from filing because of deception, fraud, or error").

PETITION FOR REVIEW DENIED.