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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JILMER GARCIA ORTIZ and ARCENIA
GARCIA,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73483

Agency Nos. A070-938-143

A097-347-147

MEMORANDUM*

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

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS and GOULD, Circuit Judges.

Jilmer Garcia Ortiz, a native and citizen of Guatemala, and Arcenia Garcia, a native and citizen of Mexico, husband and wife, petition for review of the decision of the Board of Immigration Appeals, denying their motion to reopen removal

* 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).

proceedings. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the BIA's denial of a motion to reopen, *Garcia v. Holder*, 621 F.3d 906, 912 (9th Cir. 2010), and we deny the petition for review.

Petitioners submitted additional new evidence of hardship to their United States citizen son, Jason, to support their application for cancellation of removal. The BIA considered the evidence that Jason was diagnosed with Attention Deficit Hyperactivity Disorder and his involvement with an Individualized Education Program. We conclude that the BIA did not abuse its discretion in denying petitioners' motion to reopen on the ground that the new evidence was insufficient to establish the requisite hardship, and prima facie eligibility for cancellation of removal. *See id.* at 912-13.

PETITION FOR REVIEW DENIED.