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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GUILLERMO SIORDIA JUAREZ;
MARIA BARRON,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-71694

Agency Nos. A095-105-419
A075-762-161

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.

Guillermo Siordia Juarez and Maria Barron, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen based on ineffective assistance of counsel. We

* 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).

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. 2003). We deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen as untimely because the motion was filed more than two years after the final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners failed to establish that they filed their motion within 90 days of discovering the alleged ineffective assistance, *see Iturribarria*, 321 F.3d at 897-99 (limitation period may be equitably tolled until petitioner meets with attorney to discuss case and learns of previous ineffective assistance of counsel); *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1196 (9th Cir. 2001) (en banc) (90-day limitation period begins to run from the day the error is discovered).

Because the BIA did not abuse its discretion in denying the motion as untimely, we do not reach petitioners' contentions regarding the underlying merits of the motion to reopen.

PETITION FOR REVIEW DENIED.