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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CLEMENTE-ALONSO and
CECILIA SAGUILLAN-MARROQUIN,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 10-71079

Agency Nos. A095-198-840
A095-198-841

MEMORANDUM*

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

Submitted July 17, 2012**

Before: SCHROEDER, THOMAS and SILVERMAN, Circuit Judges.

Juan Clemente-Alonso and Cecilia Saguillan-Marroquin, husband and wife and natives and citizens of Mexico, petition for review of a Board of Immigration Appeals order denying their motion to reopen removal proceedings.

* 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).

We lack jurisdiction to review the Board's denial of petitioners' motion to reopen based on further evidence of hardship. *See Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) (explaining that § 1252(a)(2)(B)(i) bars jurisdiction when question presented in motion to reopen is essentially the same hardship ground originally decided); 8 C.F.R. § 1003.2(c)(1) (explaining that motion to reopen shall not be granted unless evidence is material and was not available or discoverable at the hearing).

PETITION FOR REVIEW DISMISSED.