

JUL 19 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAMON PRECIADO-JIMENEZ and
MARIA DELIA PRECIADO,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 10-73888

Agency No. A075-707-339

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.

Ramon Preciado-Jimenez and Maria Delia Preciado, natives and citizens of Mexico, petition for review of a Board of Immigration Appeals order denying their motion to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C.

* 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).

§ 1252. We review for abuse of discretion, *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008), and we deny the petition for review.

The Board did not abuse its discretion in denying petitioners' fourth motion to reopen as untimely and numerically-barred. *See* 8 C.F.R. § 1003.2(c).

The Board did not abuse its discretion in declining to equitably toll the time and number limitations on motions to reopen on the ground that petitioners did not establish due diligence or prejudice from the alleged ineffective assistance of their prior attorney. *See Iturribarria v. I.N.S.*, 321 F.3d 889, 897 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.