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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>ALMA GLORIA RUMUALDO-GARCIA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
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No. 08-74669

Agency No. A095-568-651

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.

Alma Gloria Rumualdo-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying as untimely Rumualdo-Garcia's motion to reopen because the motion was filed more than a year after the BIA's June 26, 2007, order, and Rumualdo-Garcia failed to meet the requirements for the exception based on changed country conditions or demonstrate the due diligence necessary for equitable tolling. *See* 8 C.F.R. § 1003.2(c)(2), (3)(ii); *Iturribarria*, 321 F.3d at 897 (the deadline for filing a motion to reopen can be equitably tolled "when a petitioner is prevented from filing because of deception, fraud, or error").

In light of our disposition, we need not reach Rumualdo-Garcia's remaining contentions.

PETITION FOR REVIEW DENIED.