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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CRISTOBAL HERNANDEZ- GONZALEZ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 10-70035

Agency No. A099-654-445

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.

Cristobal Hernandez-Gonzalez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for

* 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).

abuse of discretion the BIA's denial of a motion to reopen. *Guzman v. INS*, 318 F.3d 911, 912 n.1 (9th Cir. 2003) (per curiam). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review Gonzalez-Hernandez's challenge to the BIA's underlying order dismissing his appeal from the immigration judge's denial of his asylum, withholding of removal, and Convention Against Torture claims because this petition is not timely as to that decision. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

We reject Gonzalez-Hernandez's contention that he qualifies as an unaccompanied alien child under the Trafficking Victims Protection Reauthorization Act of 2008. *See* 6 U.S.C. § 279(g)(2)(C). Accordingly, his challenge to the BIA's denial of his motion to reopen fails.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.