

SEP 17 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROSA RODRIGUEZ-RAMIREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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Nos. 07-74504
08-73093

Agency No. A079-022-168

MEMORANDUM*

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

In these consolidated petitions for review, Rosa Rodriguez-Ramirez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) orders dismissing her appeal from an immigration judge’s removal order, and denying her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252.

* 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 review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). In No. 07-74504, we grant the petition for review and remand. In No. 08-73093, we deny the petition for review.

The agency did not have the benefit of our decision in *Robles-Urrea v. Holder*, 678 F.3d 702, 711 (9th Cir. 2012), when it determined that Rodriguez-Ramirez's conviction for misprision of a felony was categorically a crime involving moral turpitude. We therefore remand to allow the agency to conduct a modified categorical analysis of Rodriguez-Ramirez's conviction and, if appropriate, consider her applications for relief.

In light of our disposition, we need not reach Rodriguez-Ramirez's remaining contentions in No. 07-74504.

The BIA did not abuse its discretion in denying Rodriguez-Ramirez's motion to reopen because she did not submit any new, material evidence that was previously not available and could not have been discovered or presented at her prior hearing. *See* 8 C.F.R. § 1003.2(c)(1).

**In No. 07-74504: PETITION FOR REVIEW GRANTED;
REMANDED.**

In No. 08-73093: PETITION FOR REVIEW DENIED.