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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ERIC ELEAZAR MARIN-ZEPEDA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-70439

Agency No. A095-724-048

MEMORANDUM*

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

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Eric Eleazar Marin-Zepeda, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reconsider the denial of his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider,

* 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).

and review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Marin-Zepeda's motion to reconsider because the motion failed to identify any error of fact or law in the BIA's prior decision denying Marin-Zepeda's motion to reopen. *See* 8 C.F.R. § 1003.2(b)(1).

The agency properly denied Marin-Zepeda voluntary departure where he was unable to show the requisite good moral character because of his controlled substance offense. *See* 8 U.S.C. §§ 1229c(b)(1)(B); 1101(f)(3) (enumerating the criminal offenses that preclude a showing of good moral character, including 8 U.S.C. § 1182(a)(2)(A)(i)(II) which covers controlled substance offenses).

PETITION FOR REVIEW DENIED.