

OCT 15 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|---|
| <p>RUPERTO TELLEZ-MEZA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p> |
|---|

No. 11-71179

Agency No. A075-469-217

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.

Ruperto Tellez-Meza, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reopen removal proceedings based on ineffective assistance of counsel. We dismiss the petition for review.

* 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 lack jurisdiction over Tellez-Meza’s petition for review of the denial of his motion to reopen because the agency’s underlying order terminating his removal proceedings was not a final order of removal. *See Alcala v. Holder*, 563 F.3d 1009, 1013-16 (9th Cir. 2009); *see also* 8 U.S.C. § 1252(b)(9) (“Judicial review of all questions of law and fact . . . shall be available only in judicial review of a final order [of removal].”).

PETITION FOR REVIEW DISMISSED.