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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BENITO INIGUEZ and ROSA SORROZA-CRUZ,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 09-71220

Agency Nos. A099-367-285
A099-367-286

MEMORANDUM*

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

Submitted June 10, 2013**

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Benito Iniguez and Rosa Sorroza-Cruz, natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen and reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of motions to reopen

* 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).

or reconsider, and review de novo questions of law. *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reconsider as untimely because it was filed more than 30 days after the BIA's October 24, 2008, order. *See* 8 C.F.R. § 1003.2(b)(2).

The BIA also did not abuse its discretion in denying petitioners' motion to reopen where petitioners failed to establish prejudice from the alleged ineffective assistance of counsel, *see Mohammed v. Gonzales*, 400 F.3d 785, 793-93 (9th Cir. 2005), and failed to provide any new evidence with the motion, *see* 8 C.F.R. § 1003.2(c)(1).

We lack jurisdiction to consider petitioners' challenge to the BIA's October 24, 2008, order because this petition is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.