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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARIA ROSARIO BAUTISTA MENDOZA,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 11-70267

Agency No. A072-128-923

MEMORANDUM*

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

Submitted May 20, 2013**

Before: HUG, FARRIS, and LEAVY, Circuit Judges.

Petitioner Maria Rosario Bautista-Mendoza, a native and citizen of the Philippines, petitions for review of a decision from the Board of Immigration Appeals (“BIA”) denying her motion to reconsider its previous dismissal of her appeal from the immigration judge’s (“IJ”) denial of asylum, withholding of

* 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).

removal, and protection under the Convention Against Torture (“CAT”). We review the BIA’s denial of a motion to reconsider for an abuse of discretion. *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). The BIA’s determination of purely legal questions is reviewed de novo. *Id.* We have jurisdiction under 8 U.S.C. § 1252(a), and we deny the petition for review.¹

We lack jurisdiction to consider the BIA’s dismissal of Bautista-Mendoza’s appeal from the IJ’s decision because she did not petition for review of that decision within the 90-day limit. *See Stone v. INS*, 514 U.S. 386, 405-06 (1995); *Martinez-Serrano v. INS*, 94 F.3d 1256, 1258 (9th Cir. 1996).

In addition, Bautista-Mendoza failed to challenge the BIA’s denial of her motion to reconsider and therefore waived that claim. *See Martinez-Serrano*, 94 F.3d at 1259-60.

Bautista-Mendoza’s remaining claims lack merit.

PETITION DENIED.

¹ Because the parties are familiar with the facts underlying this appeal, we do not recount the facts here.