

AUG 13 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA ROSARIO BAUTISTA
MENDOZA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

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.