

AUG 16 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GLEND A ESMERALDA HERNANDEZ-BURUCA,</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. 11-71162

Agency No. A095-210-902

MEMORANDUM\*

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

Submitted August 14, 2013\*\*

Before: SCHROEDER, GRABER, and PAEZ, Circuit Judges.

Glenda Esmeralda Hernandez-Buruca, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252 and we dismiss Hernandez-Buruca’s petition for review.

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\* 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).

Hernandez-Buruca’s petition for review is untimely because she filed it on April 25, 2011, more than 30 days after the BIA’s decision on March 23, 2011. *See* 8 U.S.C. § 1252(b)(1); *Stone v. INS*, 514 U.S. 386, 405 (1995) (the 30-day filing period for a petition for review is mandatory and jurisdictional); *Magtanong v. Gonzales*, 494 F.3d 1190, 1191 (9th Cir. 2007) (order) (per curiam) (internal citation omitted) (“A mandatory and jurisdictional rule cannot be forfeited or waived, and courts lack the authority to create equitable exceptions to such a rule.”). We reject Hernandez-Buruca’s contentions that the petition was timely pursuant to the “constructive receipt” rule or Federal Rule of Appellate Procedure 26(a)(3)(A). Thus, we dismiss the petition for review for lack of jurisdiction.

**PETITION FOR REVIEW DISMISSED.**