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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA DELORES JEBARA-SAN DOBAL,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-72391

Agency No. A095-117-851

MEMORANDUM\*

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

Submitted September 24, 2013\*\*

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Maria Delores Jebara-Sandobal, a native and citizen of El Salvador, petitions pro se for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's denial of her motion to reopen removal

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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).

proceedings held in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

In her opening brief, Jebara-Sandobal fails to raise, and therefore has waived, any challenge to the agency's determination that she failed to demonstrate the due diligence required for equitable tolling of the filing deadline based on the alleged ineffective assistance of prior counsel. *See Rizk v. Holder*, 629 F.3d 1083, 1091 n. 3 (9th Cir. 2011) (issues not raised in a petitioner's opening brief are deemed waived).

We reject Jebara-Sandobal's contention that the agency's removal order violated the due process and equal protection rights of her United States citizen child. *See Urbano de Malaluan v. INS*, 577 F.2d 589, 594 (9th Cir. 1978); *see also Morales-Izquierdo v. DHS*, 600 F.3d 1076, 1091 (9th Cir. 2010) (holding that "lawfully denying [the alien parent immigration relief] does not violate any of his or his family's substantive rights protected by the Due Process Clause").

**PETITION FOR REVIEW DENIED.**