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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FANG CHENG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-72987

Agency No. A099-730-582

MEMORANDUM*

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

Submitted October 15, 2013**

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

Fang Cheng, a native and citizen of China, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying her motion to reconsider and reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider or reopen. *Cano-Merida v. INS*,

* 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).

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 Cheng's motion to reconsider where the motion did not identify any error of law or fact in the BIA's prior order denying her motion to reopen. *See* 8 C.F.R. § 1003.2(b)(1). The BIA also did not abuse its discretion in construing the motion as a second motion to reopen and denying it as time- and number-barred where Cheng failed to establish that she qualified for any exception to the time and number limitations. *See* 8 C.F.R. § 1003.2(c)(2), (c)(3).

To the extent Cheng challenges the BIA's March 31, 2011 order denying her motion to reopen, we lack jurisdiction because this petition is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1) (petitions for review must be filed within 30 days of the order).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.