

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 24 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SYLVIA L. ROBLES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-75035

Agency No. A070-642-521

MEMORANDUM*

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

Submitted February 18, 2014**

Before: ALARCÓN, O'SCANNLAIN, and FERNANDEZ, Circuit Judges.

Sylvia L. Robles, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying her motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to

* 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).

reopen. *Avagyan v. Holder*, 646 F.3d 672, 674 (9th Cir. 2011). We deny in part and dismiss in part the petition for review.

The IJ did not abuse his discretion in denying Robles' motion to reopen on the ground that it was untimely, *see* 8 C.F.R. § 1003.23(b), and Robles failed to establish that she was entitled to equitable tolling of the filing deadline, *see Avagyan*, 646 F.3d at 679-80; *Singh v. Holder*, 658 F.3d 879, 884 (9th Cir. 2011).

We lack jurisdiction over Robles' contention that the IJ failed to advise her of the consequences of overstaying her voluntary departure period because Robles failed to exhaust this claim before the agency. *See Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) ("We lack jurisdiction to review legal claims not presented in an alien's administrative proceedings before the BIA.").

In light of our disposition, we do not address Robles' remaining contention.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.