

MAR 11 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUSTINO S. VALLE-GARCIA,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 10-71816

Agency No. A072-290-371

MEMORANDUM*

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

Submitted March 6, 2014**
Pasadena, California

Before: FERNANDEZ, GRABER, and MURGUIA, Circuit Judges.

Petitioner Justino Valle-Garcia petitioned for review of a Board of Immigration Appeals (BIA) final order of removal on the ground that the BIA erred in concluding that Petitioner was ineligible for cancellation of removal. The BIA's final order was issued on March 18, 2008, when it denied Petitioner relief

* 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).

from deportation but remanded to the immigration judge for voluntary departure proceedings. *See Pinto v. Holder*, 648 F.3d 976, 982 (9th Cir. 2011). Petitioner sought review in this court on June 9, 2010, more than two years later. Because 8 U.S.C. § 1252(b)(1) limits our review to petitions filed within thirty days of the date of the final order of removal, we lack jurisdiction to consider the petition.¹ *See Yepremyan v. Holder*, 614 F.3d 1042, 1043 (9th Cir. 2010) (per curiam) (noting that the time limit under 8 U.S.C. § 1252(b)(1) is jurisdictional).

PETITION FOR REVIEW DISMISSED.

¹ In light of our disposition, the Government's motion to dismiss for lack of jurisdiction is **DISMISSED** as moot.