

MAY 27 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ADRIANA NUNEZ and FABIAN NUNEZ,</p> <p style="text-align: center;">Petitioners,</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. 11-71910

Agency Nos.       A070-918-880  
                                  A070-918-882

MEMORANDUM\*

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

Submitted May 13, 2014\*\*

Before:       CLIFTON, BEA, and WATFORD, Circuit Judges.

Adriana Nunez and Fabian Nunez, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Toufighi v. Mukasey*, 538 F.3d

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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).

988, 992 (9th Cir. 2008), and we deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' second motion to reopen as untimely and number-barred because the motion was filed thirteen years after the agency's final deportation order, and petitioners failed to demonstrate that conditions or circumstances for persons with disabilities have worsened in Mexico since their deportation hearing to qualify for the regulatory exception to the limits for filing motions to reopen. *See* 8 C.F.R. § 1003.2(c)(2),(3); *Toufighi*, 538 F.3d at 996.

Petitioners' remaining contentions are unavailing.

**PETITION FOR REVIEW DENIED.**