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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RUSBEL ANTONIO MORENO,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-72459

Agency No. A088-965-491

MEMORANDUM*

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

Submitted August 13, 2014**

Before: SCHROEDER, THOMAS, and HURWITZ, Circuit Judges.

Rusbel Antonio Moreno, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order denying his motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider. *Mohammed v. Gonzales*, 400

* 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).

F.3d 785, 791-92 (9th Cir. 2005). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to consider Moreno's contention that his former counsel was ineffective, because he did not exhaust this issue to the BIA. *See Liu v. Waters*, 55 F.3d 421, 425-26 (9th Cir. 1995) (requiring petitioner to exhaust ineffective assistance of counsel claim through a motion to reopen before the BIA).

We also lack jurisdiction to review Moreno's contentions regarding the agency's analysis of the merits of his claims, because Moreno did not file a petition for review of the BIA's March 10, 2011 order. *See* 8 U.S.C. § 1252(b)(1); *Stone v. INS*, 514 U.S. 386, 405-06 (1995) (the 30-day filing period for a petition for review is mandatory and jurisdictional).

The BIA did not abuse its discretion in denying Moreno's motion to reconsider because Moreno failed to identify any error of fact or law in the BIA's March 10, 2011 order. *See* 8 C.F.R. § 1003.2(b)(1) (a motion to reconsider must identify errors of fact or law in a prior decision); *see also Mohammed*, 400 F.3d at 791 (the court reverses the denial of a motion to reconsider only if the BIA acted "arbitrarily, irrationally, or contrary to law").

PETITION FOR REVIEW DISMISSED in part; DENIED in part.