

APR 30 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOVITA CERVANTEZ-SANCHEZ,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-71928

Agency No. A090-538-113

MEMORANDUM*

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

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Jovita Cervantez-Sanchez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen deportation proceedings. We have jurisdiction under 8 U.S.C. § 1252. We

* 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).

review for abuse of discretion the denial of a motion to reopen, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), and we deny the petition for review.

The BIA did not abuse its discretion in denying Cervantez-Sanchez's motion as untimely, where it was filed 18 years after the order of deportation became final, and she has not established that any statutory or regulatory exception applies. *See* 8 C.F.R. § 1003.2(c)(2) (a motion to reopen an order of deportation must be filed within 90 days after the date on which the final administrative decision was rendered in the proceeding sought to be reopened, or on or before September 30, 1996, whichever is later); 8 C.F.R. § 1003.2(c)(3) (setting forth exceptions to the filing deadline for motions to reopen); 8 C.F.R. § 243.1 (1995) (an order of deportation becomes final upon dismissal of an appeal by the BIA).

In light of our disposition, we do not reach Cervantez-Sanchez's remaining contentions.

PETITION FOR REVIEW DENIED.