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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VALENTIN MARTINEZ OCAMPO;
MARIA RIOS REYNOSO,

Petitioners,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 18-71457

Agency Nos. A095-310-255
A095-310-256

MEMORANDUM*

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

Submitted July 8, 2020**

Before: SCHROEDER, HAWKINS, and GRABER, Circuit Judges.

Petitioners Valentin Martinez Ocampo and Maria Rios Reynoso petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

to reopen removal proceedings. We have jurisdiction under 8 U.S.C. § 1252. We deny the petition for review.

1. The BIA did not abuse its discretion in denying Petitioners' motion to reopen for further consideration of their application for cancellation of removal. *See Cuenca v. Barr*, 956 F.3d 1079, 1084 (9th Cir. 2020) ("we review the BIA's denial of a motion to reopen for an abuse of discretion"). Petitioners were granted voluntary departure in 2013, but did not depart. Accordingly, they are ineligible for cancellation of removal until 2023. *See* 8 U.S.C. § 1229c(d)(1)(B) (stating that an alien granted voluntary departure, who fails to voluntarily depart, "shall be ineligible, for a period of 10 years, to receive any further relief," including cancellation of removal).

2. The BIA did not abuse its discretion in denying Petitioners' motion to reopen to apply for asylum, withholding of removal, and protection under the Convention Against Torture. Petitioners did not submit the required application for relief with their motion to reopen. *See* 8 C.F.R. § 1003.2(c)(1) ("A motion to reopen proceedings for the purpose of submitting an application for relief must be accompanied by the appropriate application for relief and all supporting documentation."). Petitioners do not contest that this was a valid reason to deny reopening here.

PETITION DENIED.