

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2020

FOR THE NINTH CIRCUIT

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

ADIN LINARES-GONZALEZ; SINDY
AGUILAR-DELINARES, AKA Sindy
Aguilar De Linares,

Petitioners,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 14-73814

Agency Nos. A095-783-915
A095-784-047

MEMORANDUM*

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

Submitted August 24, 2020**

Before: TROTT, SILVERMAN, and N.R. SMITH, Circuit Judges.

Adin Linares-Gonzalez and Sindy Aguilar-Delinares, natives and citizens of
Guatemala, petition pro se for review of the Board of Immigration Appeals’
 (“BIA”) order denying their motion to reopen removal proceedings. We have

* 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).

jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010). We deny in part and dismiss in part the petition for review.

Petitioners do not adequately challenge in their opening brief the BIA's denial of their motion to reopen based on ineffective assistance of counsel and based on a material change in country conditions. *See Lopez-Vasquez v. Holder*, 706 F.3d 1072, 1079-80 (9th Cir. 2013) (issues not specifically raised and argued in a party's opening brief are waived). Petitioners also do not challenge the BIA's denial of their request to reopen pursuant to its sua sponte authority, or the BIA's denial of their request for voluntary departure. *Id.* Thus, these issues are waived.

We lack jurisdiction to review petitioners' only specific contention that their proceedings should be reopened so that they can seek prosecutorial discretion. *See Vilchiz-Soto v. Holder*, 688 F.3d 642, 644 (9th Cir. 2012) (order).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.