

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2023

FOR THE NINTH CIRCUIT

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

ANDRES DE JESUS MEJIA-CASTILLO; et al.,

No. 20-73716

Petitioners,

Agency Nos. A209-835-409  
A209-835-408  
A209-838-699  
A209-838-700

v.

MERRICK B. GARLAND, Attorney General,

MEMORANDUM\*

Respondent.

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

Submitted March 14, 2023\*\*

Before: SILVERMAN, SUNG, and SANCHEZ, Circuit Judges.

Andres De Jesus Mejia-Castillo and three family members, natives and citizens of El Salvador, petition pro se for review of the Board of Immigration Appeals’ (“BIA”) order denying their motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a

\* 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).

motion to reconsider. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005).

We deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reconsider where they failed to identify any error of law or fact in the prior decision. *See Ma v. Ashcroft*, 361 F.3d 553, 558 (9th Cir. 2004) ("A petitioner's motion to reconsider must identify a legal or factual error in the BIA's prior decision."); 8 C.F.R. § 1003.2(b)(1) (same).

We lack jurisdiction to consider any challenge to the BIA's August 31, 2020, order dismissing petitioners' appeal from an immigration judge's decision denying their applications for asylum and related relief because petitioners did not file a petition for review as to that order. *See* 8 U.S.C. § 1252(b)(1); *Martinez-Serrano v. INS*, 94 F.3d 1256, 1258 (9th Cir. 1996) (time limit for filing a petition for review is "mandatory and jurisdictional").

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**