

SEP 29 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALFONSO LUA-NUNEZ,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
---

Nos. 04-71578  
04-72959

Agency No. A034-223-680

MEMORANDUM\*

On Petitions for Review of Orders of the  
Board of Immigration Appeals

Submitted September 13, 2010\*\*

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

In these consolidated petitions for review, Alfonso Lua-Nunez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) orders dismissing his appeal from an immigration judge’s removal order and denying his motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252.

---

\* 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).

We review de novo questions of law, *Saravia-Paguada v. Gonzales*, 488 F.3d 1122, 1129 n.10 (9th Cir. 2007), and for abuse of discretion the denial of a motion to reconsider, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). We deny the petitions for review.

Lua-Nunez's due process retroactivity contentions are unavailing because he pleaded guilty after the enactment and effective date of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. *See Saravia-Paguada*, 488 F.3d at 1132-33 (the past relevant conduct for the retroactivity analysis is the alien's decision whether to enter a guilty plea or to proceed to trial, and not the commission of the underlying crime).

We reject Lua-Nunez's contentions regarding alleged violations of international law. *See generally Sosa v. Alvarez-Machain*, 542 U.S. 692, 734-35 (2004).

The BIA did not abuse its discretion in denying Lua Nunez's motion to reconsider because the motion failed to identify any error of law or fact in the BIA's prior order. *See* 8 C.F.R. § 1003.2(b)(1).

**PETITIONS FOR REVIEW DENIED.**