NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA ESPERANZA QUEVEDO GARCIA, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-71501 Agency No. A072-513-763 MEMORANDUM[*]

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

Submitted August 10, 2010[**]

Before: LEAVY, HAWKINS, and IKUTA, Circuit Judges.

Maria Esperanza Quevedo Garcia, a native and citizen of Guatemala,

petitions for review of the Board of Immigration Appeals' ("BIA") order denying

her second motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252.

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[*]   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 for abuse of discretion the denial of a motion to reopen, *Toufighi v. Mukasey*, 538 F.3d 988, 992 (9th Cir. 2008), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Quevedo Garcia's motion to reopen as untimely because it was filed almost nine years after the BIA's final order of removal and Quevedo Garcia failed to demonstrate that she qualified for any exceptions to the 90-day time deadline. *See* 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(3) (listing exceptions to the time limitation).

We lack jurisdiction to review Quevedo Garcia's contention that the BIA should have invoked its sua sponte authority to reopen her proceedings. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

To the extent that Quevedo Garcia challenges the BIA's October 16, 2007, decision denying her first motion to reopen, we lack jurisdiction because this petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.