

APR 13 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CLAVEL OSORIO; YENI
LORENA CLAVEL RODRIGUEZ; JUAN
CLAVEL RODRIGUEZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72450

Agency Nos. A096-054-860

A096-054-861

A096-054-862

MEMORANDUM*

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

Submitted April 5, 2011**

Before: B. FLETCHER, CLIFTON, and BEA, Circuit Judges.

Juan Clavel Osorio, Yeni Lorena Clavel Rodriguez, and Juan Clavel
Rodriguez, natives and citizens of Mexico, petition for review of the Board of
Immigration Appeals' ("BIA") order denying their motion to reopen proceedings

* 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).

due to ineffective assistance of counsel. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), we deny the petition for review.

The BIA did not abuse its discretion in denying petitioners' motion to reopen where the motion was filed more than three years after the BIA's final order of removal, *see* 8 C.F.R. § 1003.2(c)(2), and petitioners failed to show they were entitled to equitable tolling, *see Iturribarria*, 321 F.3d at 897.

In light of our disposition, we do not reach petitioners' other contentions.

PETITION FOR REVIEW DENIED.