

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 19 2017

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

HERODITA LOPEZ;  
JORGE ALBERTO RIVERA LOPEZ,

Petitioners,

v.

JEFFERSON B. SESSIONS III, Attorney  
General,

Respondent.

No. 14-72701

Agency Nos. A094-453-700  
A200-817-395

MEMORANDUM\*

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

Submitted July 11, 2017\*\*

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Herodita Lopez and Jorge Alberto Rivera Lopez, natives and citizens of El Salvador, petition pro se for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reconsider. We have jurisdiction under 8 U.S.C.

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\* 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).

§ 1252. We review for abuse of discretion the denial of a motion to reconsider, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we dismiss in part and deny in part the petition for review.

We do not consider the materials petitioners reference in their opening brief that are not part of the administrative record. *See Fisher v. INS*, 79 F.3d 955, 963-64 (9th Cir. 1996) (en banc).

We lack jurisdiction to consider petitioners' contention regarding Lopez's criminal convictions because they did not raise it to the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004) (court lacks jurisdiction to review claims not presented to the agency).

The BIA did not abuse its discretion in denying petitioners' motion to reconsider because the motion failed to identify any error of fact or law in the BIA's prior order. *See* 8 C.F.R. § 1003.2(b)(1); *see also Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010) (court "defer[s] to the BIA's exercise of discretion unless it acted arbitrarily, irrationally, or contrary to law").

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