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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HECTOR MARISCAL-SANDOVAL,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 14-72916

Agency No. A092-139-459

MEMORANDUM*

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

Submitted September 27, 2016**

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

Hector Mariscal-Sandoval, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his motion to reconsider and reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the denial of motions to reconsider and reopen, and we review de novo constitutional claims and questions of law. *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Mariscal-Sandoval's motion to reconsider, where he failed to identify any error of fact or law in the IJ's 1996 order of deportation. *See* 8 C.F.R. § 1003.23(b)(2) (a motion to reconsider must specify errors of fact or law in a prior decision); *Avila-Sanchez v. Mukasey*, 509 F.3d 1037, 1040 (9th Cir. 2007) (rejecting argument that subsequent precedent invalidated a deportation order that was correctly decided under then-existing BIA precedent). Because Mariscal-Sandoval's failure to identify any error of fact or law is dispositive to his motion to reconsider, we do not reach his contentions regarding equitable tolling.

Mariscal-Sandoval's contention that the BIA failed to address his contention that the IJ's statements and conduct caused his delay in filing is belied by the record.

PETITION FOR REVIEW DENIED.