

OCT 13 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ADOLFO LAMAS RIVERA;
AGUEDA VELAZQUEZ DE LAMAS,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-75248

Agency Nos. A095-192-203
A075-645-758

MEMORANDUM*

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

Submitted September 13, 2010**

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

Jose Adolfo Lamas Rivera and Agueda Velazquez De Lamas, husband and wife and natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's decision denying their motion to reopen based on ineffective assistance of counsel.

* 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 have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *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 petitioners' motion to reopen as untimely where the motion was filed more than 90 days after the final administrative order was entered in their case, *see* 8 C.F.R. § 1003.23(b)(1), and petitioners failed to demonstrate that they were eligible for equitable tolling of the motions deadline, *see Iturribarria v. INS*, 321 F.3d 889, 897 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.