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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA DE JESUS GUTIERREZ,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-71423

Agency No. A070-946-656

MEMORANDUM*

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

Submitted October 19, 2010**

Before: O’SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Maria de Jesus Gutierrez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her motion to reopen her

* 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).

deportation proceedings conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Singh v. INS*, 213 F.3d 1050, 1052 (9th Cir. 2000), we deny the petition for review.

The BIA did not abuse its discretion in refusing to rescind Gutierrez's deportation order because it is undisputed that she was personally served with an Order to Show Cause that contained notice of her hearing and was written in both English and Spanish. *See* 8 U.S.C. § 1252b(a)(2)-(3) (repealed 1996); *Khan v. Ashcroft*, 374 F.3d 825, 828-29 (9th Cir. 2004) (notice was proper where INS adhered to statutorily imposed procedural requirements).

Gutierrez's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.