

NOV 01 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EMILIANO MENDEZ-OCHOA, a.k.a. Rufino Bernabe Reyes;</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

Nos. 08-72307
08-73809

Agency No. A072-991-445

MEMORANDUM*

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted October 19, 2010**

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

In these consolidated petitions for review, Emiliano Mendez-Ochoa, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals’ (“BIA”) orders dismissing his appeal from an immigration judge’s order denying his motion to reopen deportation proceedings held in absentia, and

* 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).

denying his motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252.

Reviewing for abuse of discretion, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), we deny the petitions for review.

The agency did not abuse its discretion in denying Mendez-Ochoa's motion to reopen where the Order to Show Cause showed it had been personally served on Mendez-Ochoa and contained notice of his next scheduled hearing in both Spanish and English. *See Khan v. Ashcroft*, 374 F.3d 825, 828 (9th Cir. 2004) (notice proper where INS adhered to statutorily imposed procedural requirements).

The BIA did not abuse its discretion in denying Mendez-Ochoa's motion to reconsider where the motion failed to identify any error of fact or law in the agency's prior decision denying his motion to reopen. *See* 8 C.F.R. § 1003.2(b)(1).

Mendez-Ochoa's remaining contentions are unavailing.

PETITIONS FOR REVIEW DENIED.