

MAY 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA ANTONIA RODRIGUEZ-
PAREDES,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73867

Agency No. A027-199-904

MEMORANDUM*

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

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Maria Antonia Rodriguez-Paredes, a native and citizen of El Saldavor, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen deportation proceedings. We have jurisdiction under 8

* 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).

U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen and review de novo due process claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in denying Rodriguez-Paredes' motion to reopen as untimely because she filed the motion more than eighteen years after the BIA's final order of deportation. *See* 8 C.F.R. § 1003.2(c)(2). Rodriguez-Paredes' contention that reopening is warranted because she lacked adequate notice under *Flores-Chavez v. Ashcroft*, 362 F.3d 1150 (9th Cir. 2004), is misplaced because she appeared for her scheduled hearing. It follows that Rodriguez-Paredes has not established a due process violation. *See Lata v. INS*, 204 F.3d 1241, 1246 (9th Cir. 2000) (petitioner must show error and prejudice to prevail on a due process claim).

PETITION FOR REVIEW DENIED.