

MAR 13 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTEMIO MENDEZ-LOPEZ and
OTILIA MARTINEZ-GEMINIANO,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

Nos. 08-74326
10-73039

Agency Nos. A098-463-667
A098-463-668

MEMORANDUM*

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

Submitted March 6, 2012**

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

Artemio Mendez-Lopez and Otilia Martinez-Geminiano, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") orders denying their motions to reopen. We have jurisdiction under 8 U.S.C.

* 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).

§ 1252. We review for abuse of discretion the denial of a motion to reopen, and review de novo questions of law. *Granados-Oseguera v. Mukasey*, 546 F.3d 1011, 1014 (9th Cir. 2008) (per curiam). We deny the petitions for review.

The BIA did not abuse its discretion in denying petitioners' untimely motions to reopen where petitioners failed to depart the United States during their voluntary departure period, and were therefore statutorily ineligible for the relief requested. *See* 8 U.S.C. § 1229c(d)(1); *Granados-Oseguera*, 546 F.3d at 1016 (statutory bar to relief resulting from failure to voluntarily depart is not subject to an exception in cases involving ineffective assistance of counsel).

In light of our disposition, we need not reach petitioners' remaining contentions.

PETITIONS FOR REVIEW DENIED.