

MAY 25 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RAFAEL ARMANDO IBARRA PEREZ; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 09-73064

Agency Nos. A096-346-322  
A096-346-323  
A096-346-324

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.

Rafael Armando Ibarra Perez, Leticia Ibarra, and their son, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals’

---

\* 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).

(“BIA”) order denying their motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and remand.

The BIA rejected petitioners’ motion to reopen without the benefit of our decision in *Reyes-Torres v. Holder*, 645 F.3d 1073, 1077 (9th Cir. 2011), in which we concluded that 8 C.F.R. § 1003.2(d) did not preclude a motion to reopen filed after a petitioner had been removed. We remand to the BIA in light of this intervening case law.

Because of our remand, we do not address petitioners’ remaining contentions.

**PETITION FOR REVIEW GRANTED; REMANDED.**