

DEC 29 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUBEN PADILLA-AGUIRRE and  
MARIA LUISA BARAJAS-VASQUEZ,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-73652

Agency Nos. A094-945-147

A094-945-146

MEMORANDUM\*

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

Submitted December 14, 2010 \*\*  
San Francisco, California

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Ruben Padilla-Aguirre and Maria Luisa Barajas-Vasquez, natives and  
citizens of Mexico, petition for review of the Board of Immigration Appeals'

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\* 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).

denial of their motion to reopen the underlying denial of their applications for cancellation of removal.

In their motion to reopen, petitioners introduced new evidence of hardship that Barajas-Vasquez's legal permanent resident father had suffered a knee injury requiring an operation. We conclude that the BIA properly considered the new evidence offered by petitioners, and acted within its broad discretion in determining that the evidence did not establish extreme hardship, and was insufficient to warrant reopening of the cancellation application. *See Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2000) (the BIA's denial of a motion to reopen shall be reversed only if it is "arbitrary, irrational, or contrary to law").

**PETITION FOR REVIEW DENIED.**