

MAR 18 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>OCTAVIO BRIZUELA ROMERO; et al.,</p> <p>Petitioners,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p>Respondent.</p>

No. 07-73942

Agency Nos. A95-444-265
A95-444-266

MEMORANDUM*

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

March 10, 2008**

Before: T.G. NELSON, TASHIMA and BYBEE, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order denying petitioners' motion to reopen.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

07-73942

The BIA's denial of a motion to reopen is reviewed for an abuse of discretion. *See Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). The BIA did not err in denying petitioners' motion to reopen when it was filed after the voluntary departure period had expired, because petitioners' failure to depart during the voluntary departure period rendered them ineligible for relief pursuant to 8 U.S.C. § 1229c(d). *See De Martinez v. Ashcroft*, 374 F.3d 759, 763-64 (9th Cir. 2004); *Zazueta-Carrillo v. Ashcroft*, 322 F.3d 1166, 1169-70 (9th Cir. 2003). Accordingly, respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.