

FEB 15 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATALIA KHOURY; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-73340

Agency Nos. A70-217-605
A70-217-645

MEMORANDUM*

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

Submitted February 11, 2008**

Before: WALLACE, LEAVY and RYMER, 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).

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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). A party may file only one motion to reopen removal proceedings, and that motion must be filed not later than ninety days after the date on which the final order of removal was entered. *See* 8 C.F.R. § 1003.2(c)(2).

The BIA did not abuse its discretion in denying petitioners' motion to reopen as untimely when it was filed over three years after the deadline for filing motions to reopen. The final administrative decision in petitioners' case was issued February 13, 2003. Petitioners have not demonstrated that one of the regulatory exceptions to the time requirement for motions to reopen applies here. *See* 8 C.F.R. § 1003.2(c)(3).

The mandate in *Khoury v. Gonzales*, No. 03-71097, contained a clerical error indicating that the petition for review as to petitioners Natalia and Rania Khoury, Agency Nos. A70-217-605 and A70-217-645, respectively, was granted and remanded. In fact, the petition for review as to petitioners Natalia and Rania Khoury was denied. We *nunc pro tunc* correct the mandate in *Khoury v. Gonzales*, No. 03-71097, to state that the petition for review as to petitioners Natalia and

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Rania Khoury, Agency Nos. A70-217-605 and A70-217-645, respectively, is denied.

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.