

FEB 15 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

J. GUADALUPE MENDEZ  
GUTIERREZ; GENOVEVA LARIOS  
FLORES,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-73366

Agency Nos. A96-342-931  
A96-342-932

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 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).

07-73366

This is a petition for review of the Board of Immigration Appeals' ("BIA") order affirming the Immigration Judge's denial of petitioner's motion to reopen proceedings.

The motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

Respondent's opposed 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). Specifically, the record supports the agency's denial of petitioners' motion to reopen proceedings. *See Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), *amended by* 404 F.3d 1105 (9th Cir. 2005) (holding that denials of motions to reopen or reconsider are reviewed for abuse of discretion). Additionally, to the extent that petitioners offer new evidence of hardship to this court that was not presented to the agency, this court is precluded from considering such evidence. *See* 8 U.S.C. § 1252(b)(4)(A) ("[T]he court of appeals shall decide the petition only on the administrative record on which the order of removal is based."). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

07-73366

**PETITION FOR REVIEW DENIED.**