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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JULIO CESAR MORENO HEREDIA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-70567

Agency No. A79-543-611

MEMORANDUM\*

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

Submitted July 22, 2008\*\*

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Julio Cesar Moreno Heredia, a native and citizen of Peru, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his second

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

motion to reopen deportation proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we deny the petition for review.

The BIA did not abuse its discretion in denying Moreno Heredia's second motion to reopen as numerically barred, *see* 8 C.F.R. § 1003.2(c)(2), where Moreno Heredia failed to present sufficient evidence of changed circumstances in Peru to qualify him for the regulatory exception to the numerical bar for filing motions to reopen. *See* 8 C.F.R. § 1003.2(c)(3)(ii).

This court lacks jurisdiction to review the BIA's denial of Moreno Heredia's first motion to reopen because the petition for review is not timely as to that order. *See Andia v. Ashcroft*, 359 F.3d 1181, 1183 n. 3 (9th Cir. 2004) (per curiam).

**PETITION FOR REVIEW DENIED.**