

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 02 2008

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

JUAN CARLOS SOTO PLATA; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-72600

Agency Nos. A95-179-779

A95-179-780

A95-179-781

MEMORANDUM \*

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

Submitted June 18, 2008\*\*

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

Juan Carlos Soto Plata, his wife Maria Teresa Soto and their daughter,  
natives and citizens of Mexico, petition pro se for review of the decision of the

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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).

Board of Immigration Appeals denying as untimely their motion to reconsider the underlying denial of their application for cancellation of removal.

Petitioners contend that the BIA erred in denying their motion to reconsider because their qualifying relatives will suffer extreme hardship, and they should be granted cancellation relief.

Petitioners fail to challenge the sole basis of the BIA's denial of their motion to reconsider, namely the untimeliness of their motion under 8 C.F.R. § 1003.2(b)(2). Petitioners have waived any challenge to the BIA's June 7, 2007, order denying their motion to reconsider by failing to challenge the basis of that order in their opening brief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1260 (9th Cir. 1996).

**PETITION FOR REVIEW DENIED.**