

MAR 27 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE ADRIAN GUERRERO
SAAVEDRA; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-71286

Agency Nos. A79-542-458
A79-542-459

MEMORANDUM*

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

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Jose Adrian Guerrero Saavedra and Marina Guerrero, natives and citizens of

* 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).

Mexico, petition pro se for review of the Board of Immigration Appeals' denial of their motion to reconsider or reopen the underlying denial of their application for cancellation of removal, based on petitioners' failure to establish extreme or exceptional unusual hardship to their three United States citizen children.

We review the BIA's order denying the motion to reconsider for abuse of discretion. *See Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002). The BIA did not abuse its discretion by denying petitioners' motion to reconsider because the motion failed to identify any error of fact or law in the BIA's prior decision affirming the immigration judge's order denying cancellation of removal. *See* 8 C.F.R. § 1003.2(b)(1); *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc). In addition, the BIA did not abuse its discretion in denying petitioners' motion to reopen where petitioner failed to present new evidence of hardship.

PETITION FOR REVIEW DENIED.1/

1/ Petitioners' motion for this court to accept a late and defective reply brief is granted. The reply brief, received by this court on December 31, 2007, is ordered filed.