

SEP 27 2007

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ESTAQUIA GONZALEZ HERNANDEZ,

Petitioner,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 06-74387

Agency No. A97-354-922

MEMORANDUM*

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

Submitted September 24, 2007***

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

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

Eustaquia Gonzalez Hernandez, a native and citizen of Guatemala, petitions pro se for review of the decision of the Board of Immigration Appeals denying her motion to reconsider the BIA's underlying dismissal, as untimely, of her appeal from the immigration judge's denial of her application for cancellation of removal.

In her petition for review, Gonzalez Hernandez contends that she is eligible for cancellation of removal, and that she has an "ABC" registered claim.

Petitioner raises no arguments concerning the denial of her motion for reconsideration, but instead raises only arguments concerning the immigration judge's underlying denial of her application for relief. We conclude that the BIA acted within its discretion in denying petitioner's motion for reconsideration because the motion failed to identify any error of fact or law in the BIA's prior decision. *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).

PETITION FOR REVIEW DENIED.