

JAN 18 2008

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

TOMASA SALDANA-REYES,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-70665

Agency No. A79-386-824

MEMORANDUM*

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

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Tomasa Saldana-Reyes, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' denial of her motion to reconsider and reopen the underlying denial of her application for cancellation of removal.

* 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).

Petitioner contends her due process rights were violated when the immigration judge referenced her sister's separate hearing.

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 petitioner's 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 petitioner's motion to reopen where petitioner failed to present new evidence of hardship.***

PETITION FOR REVIEW DENIED.

*** The Addendum to Opening Brief, received by this court on October 22, 2007, is ordered filed.