

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 23 2007

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

FUNMILOLA FAJINMI; ALISIA FADE
FAJINMI,

Petitioners,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 04-71368

Agency Nos. A70-967-580
A70-967-581

MEMORANDUM*

FUNMILOLA FAJINMI; ALISIA FADE
FAJINMI,

Petitioners,

v.

PETER D. KEISLER,** Acting Attorney
General,

Respondent.

No. 04-75341

Agency Nos. A70-967-580
A70-967-581

* 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).

On Petitions for Review of Orders of the
Board of Immigration Appeals

Submitted October 15, 2007***
Pasadena, California

Before: KOZINSKI, TASHIMA, and McKEOWN, Circuit Judges.

Because it was not "specifically and distinctly argued," United States v. Kama, 394 F.3d 1236, 1238 (9th Cir. 2005), petitioners waived the claim that the Board of Immigration Appeals (BIA) abused its discretion or committed legal error in denying the January 20, 2004 motion to reopen. With respect to the September 13, 2004 motion to reopen, we have no jurisdiction to review the BIA's decision declining to reopen *sua sponte*. Ekimian v. INS, 303 F.3d 1153 (9th Cir. 2002).

In No. 04-71368, the petition is DENIED. In No. 04-75341, the petition is DISMISSED.

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