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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ENRIQUE GARCIA-MONTANO, Petitioner, v. MICHAEL B. MUKASEY, Attorney General, Respondent.	No. 08-71013 Agency No. A96-049-374 MEMORANDUM*

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

Submitted August 11, 2008**

Before: CANBY, LEAVY and KLEINFELD, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA") order denying petitioner's request for administrative closure.

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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).

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Respondent's motion for summary disposition is granted because the the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). First, administrative closure is not available after entry of a final order of removal. Second, to the extent that petitioner's motion could be construed as a motion to reopen removal proceedings, the BIA did not abuse its discretion in concluding that petitioner's third motion to reopen was untimely and number-barred. *See* 8 C.F.R. § 1003.2(c)(2); *Perez v. Mukasey*, 516 F.3d 770, 773 (9th Cir. 2008).

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate. The motion for stay of voluntary departure, filed after the departure period had expired, is denied. *See Garcia v. Ashcroft*, 368 F.3d 1157 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.