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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SALVADOR HUERTA MARTINEZ;
PATRICIA HUERTA,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-71977

Agency Nos. A95-176-662
A95-176-663

MEMORANDUM*

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

Submitted November 13, 2007**

Before: McKEOWN, TALLMAN and CLIFTON, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order denying petitioners' sixth motion to reconsider.

* 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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Upon review of the record and petitioners' response to the court's order to show cause, we conclude that the BIA did not abuse its discretion in denying petitioners' motion to reconsider because the sixth motion to reconsider was numerically barred. *See* 8 U.S.C. § 1003.2(b)(2) ("A party may file only one motion to reconsider any given decision and may not seek reconsideration of a decision denying a previous motion to reconsider."); *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004).

We lack jurisdiction to consider petitioners' claim of ineffective assistance of counsel, raised in response to the court's order to show cause, because that claim was not previously presented to the BIA. *See* 8 U.S.C. § 1252(d)(1); *Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004).

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED in part; DISMISSED in part.