

APR 29 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICARDO AGUILAR-VARILLAS, et al.,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-72702

Agency Nos. A75-306-762
A75-306-763
A75-306-766

MEMORANDUM *

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

Submitted April 22, 2008 **

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Ricardo Aguilar-Varillas, and his two daughters, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' denial, as

* 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).

untimely filed, of their motion to reopen or reconsider removal proceedings.

Petitioners fail to raise any arguments regarding whether the BIA erred in finding that their motion to reopen or reconsider was untimely, whether equitable tolling is applicable, and whether the BIA erred in refusing to reopen *sua sponte*. Petitioners, therefore, have waived any challenge to the BIA's decision denying their motion. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.