

DEC 28 2007

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

MARIO ANTONIO QUAN
VILLATORO,

Petitioner,

v.

MICHAEL B. MUKASEY,* Attorney
General,

Respondent.

No. 06-72446

Agency No. A-70-780-930

MEMORANDUM**

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

Submitted December 3, 2007***

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges

* Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Federal Rule of Appellate Procedure 43(c)(2).

** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

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

Mario Antonio Quan Villatoro, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' ("BIA") decision denying his motion to reopen removal proceedings. To the extent we have jurisdiction, it is conferred by 8 U.S.C. § 1252. Reviewing for an abuse of discretion, *see Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002), we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion by denying Quan-Villatoro's motion to reopen, because the BIA considered the evidence he submitted and acted within its broad discretion in determining that the evidence was insufficient to warrant reopening. *See id.* (The BIA's denial of a motion to reopen shall be reversed if it is "arbitrary, irrational, or contrary to law.")

We lack jurisdiction to review the BIA's November 22, 2005, order denying Quan Villatoro's previous motion to reopen because he failed to timely petition this court to review that decision. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part AND DISMISSED in part.