

DEC 26 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VANUZA TEREZINHA SILVANO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-74774

Agency No. A093-306-441

MEMORANDUM*

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

Submitted December 17, 2008**

Before: GOODWIN, TROTT and RYMER, Circuit Judges.

Vanuza Terezinha Silvano, a native and citizen of Brazil, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reconsider. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of

* 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).

discretion the denial of a motion to reopen, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion when it denied reconsideration because Silvano's motion did not specify errors of law or fact in the BIA's prior decision. *See* 8 C.F.R. § 1003.2(b)(1).

We lack jurisdiction to review the BIA's May 15, 2006 order denying Silvano's motion to reopen because she failed to petition the court for timely review of that decision. *See Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Silvano's contention that she was denied due process because she was ordered removed *in absentia* lacks merit. *See Singh-Bhathal v. INS*, 170 F.3d 943, 946-47 (9th Cir. 1999).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.