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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARTIN DEL SOCORRO ASTORGA AGUILAR; ROSALBA RODARTE ASTORGA,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 07-73347

Agency Nos. A075-491-356
A096-356-327

MEMORANDUM*

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

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Martin Del Socorro Astorga Aguilar and Rosalba Rodarte Astorga, husband
and wife and natives and citizens of Mexico, petition pro se for review of the

* 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).

Board of Immigration Appeals' ("BIA") order denying their motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Morales Apolinar v. Mukasey*, 514 F.3d 893, 895 (9th Cir. 2008), we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Petitioners' motion to reconsider as untimely because the motion was filed more than 30 days after the BIA's final order of removal. *See* 8 C.F.R. § 1003.2(b)(2) (motion to reconsider must be filed within 30 days of BIA's decision).

To the extent Petitioners seek review of the BIA's March 28, 2007 order dismissing their appeal, we lack jurisdiction because the petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.