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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA MARISSA CENON
BALENTON, aka Maria Marissa Balenton
Nanao, aka Marissa Balenton Nanao,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-72835

Agency No. A043-379-080

MEMORANDUM*

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

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Maria Marissa Cenon Balenton, a native and citizen of the Philippines,
petitions for review of the Board of Immigration Appeals' ("BIA") order denying

* 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).

her motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reconsider, *Oh v. Gonzales*, 406 F.3d 611, 612 (9th Cir. 2005), and we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Balenton's motion to reconsider because the motion failed to identify any error of law or fact in the BIA's January 24, 2006 order. *See* 8 C.F.R. § 1003.2(b)(1). We are unpersuaded by Balenton's contention that the BIA made impermissible factual findings in her case. *See id.* § 1003.1(d)(3)(i)-(ii).

To the extent Balenton challenges the BIA's January 24, 2006 order dismissing her underlying appeal, we lack jurisdiction because this 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.