

MAR 09 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROLANDO XIVIR XIC,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-75061

Agency No. A099-442-411

MEMORANDUM\*

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

Submitted February 23, 2009\*\*

Before: KOZINSKI, Chief Judge, HAWKINS and GOULD, Circuit Judges.

Petitioner's motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

---

\* 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).

08-75061

This is a petition for review of the Board of Immigration Appeals' ("BIA") order dismissing petitioner's untimely appeal for lack of jurisdiction.

A review of the administrative record demonstrates that petitioner's Notice of Appeal to the BIA was not filed within 30 days after the Immigration Judge's written decision. *See* 8 C.F.R. § 1003.38(b); *Da Cruz v. INS*, 4 F.3d 721 (9th Cir. 1993). Accordingly, this petition for review is summarily denied because petitioner has failed to raise a substantial issue to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam).

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

**PETITION FOR REVIEW DENIED.**