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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDWARD IDOWU SOFOWARA,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 05-77343

Agency No. A027-230-790

MEMORANDUM*

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

and

<p>EDWARD IDOWU SOFOWORA,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., et. al,</p> <p>Respondents - Appellees.</p>
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Nos. 06-15150
06-17150

D.C. Nos. CV-05-00043-
OWW/TAG
CV-06-00242-OWW/TAG

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeals from the United States District Court
for the Eastern District of California
District Court Judge Oliver W. Wanger

Submitted July 29, 2009**

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

In these consolidated cases, Edward Idowu Sofowara, a native and citizen of Nigeria, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying his second motion to reopen in case No. 05-77343. Our jurisdiction is governed by 8 U.S.C. § 1252. We review the BIA's denial of a motion to reopen for abuse of discretion, *Cano-Merida v. INS*, 311 F.3d 960, 964 (9th Cir. 2002), and we deny in part and dismiss in part the petition for review. Sofowara also appeals two orders from the district court, dismissing his petitions for writ of habeas corpus, in Nos. 06-15150 and 06-17150, which we dismiss as moot.

The BIA did not abuse its discretion in denying Sofowara's second motion to reopen filed more than 13 years after the BIA's final order of deportation, because the motion to reopen was untimely and numerically barred, and did not meet any of the regulatory exceptions. *See* 8 C.F.R. § 1003.2(c)(2)-(3).

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

We lack jurisdiction over Sofowara's contentions regarding the March 1991 and July 2004 BIA orders because the petition for review is not timely as to those orders. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

Sofowara's March 23, 2009, motion is denied.

In light of our disposition, we dismiss Sofowara's challenges to his detention in appeal Nos. 06-15150 and 06-17150 as moot.

In 05-77343: PETITION FOR REVIEW DENIED in part; DISMISSED in part.

In 06-15150 & 06-17150: PETITIONS FOR REVIEW DISMISSED.