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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>CECILIA ANGKAWIDJAJA PACQUIAO; TEODORICO PACQUIAO,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 05-70699

Agency Nos. A026-776-640
A026-776-639

MEMORANDUM*

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

Submitted July 2, 2009**

Before: HUG, SKOPIL and BEEZER, Circuit Judges.

Petitioners seek review of a final decision by the Board of Immigration Appeals (BIA), denying their motion for reconsideration of the BIA’s refusal to adjudicate their third motion to reopen their removal proceedings. We deny the petition for review.

* 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).

DISCUSSION

“[A]n alien who is subject to a final order of removal is limited to one motion to reopen the removal proceedings” *Chen v. Mukasey*, 524 F.3d 1028, 1030 (9th Cir. 2008) (citing 8 U.S.C. § 1229a(c)(7)(A)). There is an exception, however, that permits successive motions alleging “changed country conditions.” *Id.* at n.2 (citing 8 C.F.R. § 1003.2(c)(3)). Based on that exception, the BIA reviewed the merits of petitioners’ first two motions to reopen. The BIA refused, however, to review the merits of the third motion to reopen because it did not allege changed country conditions and was thus numerically barred.

We conclude the BIA did not err. *See Minasyan v. Mukasey*, 553 F.3d 1224, 1227 (9th Cir. 2009) (noting standard of review for purely legal questions). There is no merit to petitioners’ argument that their prior motions to reopen should not be counted for purposes of applying the numeric bar to their third motion to reopen.

PETITION FOR REVIEW DENIED.