

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3258

Serafin Ruiz Carrillo,	*
	*
Petitioner,	*
	*
v.	* Petition for Review of
	* an Order of the Board
	* of Immigration Appeals.
Eric H. Holder, Jr., Attorney General	*
of the United States,	* [UNPUBLISHED]
	*
Respondent.	*

Submitted: June 11, 2010
Filed: June 16, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Serafin Ruiz Carrillo, a citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (BIA) denying his motion to reopen and reconsider the BIA's prior decision, affirming an immigration judge's denial of cancellation of removal. We conclude Carrillo has waived any challenge to the BIA's denial of reopening and reconsideration, see *Averianova v. Holder*, 592 F.3d 931, 935 (8th Cir. 2010) (alien waived claim by failing to present argument on appeal), and that the denial of cancellation of removal is not properly before us, see 8 U.S.C. § 1252(b)(1) (petition for review must be filed within 30 days of final order of removal); Boudaguian v. Ashcroft, 376 F.3d 825, 827 (8th Cir. 2004) (motion to reopen and

reconsider filed after BIA affirmed IJ's denial of removal relief did not toll time for seeking judicial review of BIA's affirmance of IJ's decision).

Accordingly, we deny the petition for review. We also deny respondent's pending motion.
