

JAN 21 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

YINGXIN PANG,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-70436

Agency No. A097-358-531

MEMORANDUM\*

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

Submitted January 13, 2009\*\*

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Yingxin Pang, a native and citizen of China, petitions *pro se* for review of an order of the Board of Immigration Appeals ("BIA") denying his motion to reopen

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\* 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).

removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen. *See Ordonez v. INS*, 345 F.3d 777, 782 (9th Cir. 2003). We deny the petition for review.

The BIA did not abuse its discretion in denying Pang's motion to reopen because the new evidence submitted with the motion did not affect the agency's determination that Pang lacked credibility, and Pang therefore did not establish prima facie eligibility for the underlying substantive relief sought. *See id.* at 785.

**PETITION FOR REVIEW DENIED.**