

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 21 2009

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

JUN ZENG,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 08-70329

Agency No. A079-535-156

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.

Jun Zeng, a native and citizen of China, petitions *pro se* for review of the Board of Immigration Appeals' ("BIA") order denying her 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 the denial of a motion to reopen for abuse of discretion. *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 Zeng’s motion to reopen because it was untimely and Zeng failed to present evidence of changed circumstances. *See* 8 C.F.R. § 1003.2(c)(2); *see also Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004) (“The critical question is . . . whether circumstances have changed sufficiently that a petitioner who previously did not have a legitimate claim for asylum now has a well-founded fear of future persecution.”).

**PETITION FOR REVIEW DENIED.**